

Environmental Protection Agency

§ 52.320

- (ix) All other areas in California that are subject to the Federal PSD program as provided in 40 CFR 52.270.
- (b) [Reserved]

[76 FR 34611, June 14, 2011, as amended at 76 FR 34876, June 15, 2011; 76 FR 48006, Aug. 8, 2011]

Subpart G—Colorado

§ 52.320 Identification of plan.

- (a) Title of plan: “Air Quality Implementation Plan for State of Colorado”.
- (b) The plan was officially submitted on January 26, 1972.
- (c) The plan revisions listed below were submitted on the dates specified.
- (1) Request for legal authority submitted February 14, 1972, by the Governor.
- (2) Request for 110(e) extensions submitted March 20, 1972, by the Governor.
- (3) Statements by State Air Pollution Control Commission (APCC) related to public inspection of emission data, emergency episodes, and transportation control submitted May 1, 1972, by the APCC. (Non-regulatory)
- (4) List of sources under compliance schedules submitted May 1, 1972, by the State Department of Health.
- (5) Transportation Control Plans submitted June 4, 1973, by the Governor.
- (6) Statements relating to transportation control plans submitted July 16, 1973, by the Governor. (Non-regulatory)
- (7) Plan revisions submitted November 21, 1973, by the Governor which delete Section III of Regulation No. 1 only as it relates to existing sources in Appendix P concerning SO₂.
- (8) On June 7, 1974, the Governor submitted five Air Quality Maintenance Area designations.
- (9) Supplemental information about the Air Quality Maintenance Areas was submitted by the Governor on January 29, 1975.
- (10) Procedural rules for all proceedings before the Air Pollution Control Commission, submitted May 5, 1977, by the Governor.
- (11) On January 2, 1979, the Governor submitted the nonattainment area plan for all areas designated nonattainment as of March 3, 1978. EPA is taking no action on areas for which the Governor has requested redesignations (Larimer-

Weld TSP and ozone; El Paso County ozone).

- (i) Regulation 9, “Trip Reduction,” previously approved on October 5, 1979, and now deleted without replacement.

(12) Extension request for attainment of CO and O₃ was submitted by the Governor on January 5, 1979.

(13) On July 5, 1979, the governor submitted the Air Pollution Control Commission’s final comment on our May 11, 1979, proposal. This included a clarification that the “No-Drive Day” was not part of the State Implementation Plan and transportation control measures schedules for Larimer-Weld.

(14) On July 18, 1979, the Commission committed to revising Regulation 7.

(15) On July 23, 1979, the Governor submitted House Bill 1090 and Senate Bill 1 as part of the plan.

(16) On July 27, 1979, the Governor submitted the Denver Regional Council of Governments schedules for implementing the transportation control strategies, and clarified that the Transportation Development Plan was part of the plan.

(17) On March 4, 1980, the Governor submitted a plan revision to meet the requirements of Air Quality Monitoring 40 CFR part 58, subpart C, § 58.20.

(18) On May 29, 1980, the Governor submitted written evidence of the State’s legal authority to implement and enforce an automobile emissions control program as well as schedules for implementing that program and a demonstration that it will achieve a 25% reduction in exhaust emissions by 1987.

(19) On January 22 and February 6, 1980 the Governor submitted schedules for the implementation of transportation control measures for Denver and Larimer-Weld elements of the State Implementation Plan, respectively.

(20) On April 21, 1980, the Governor submitted a plan revision to meet the data reporting requirements of section 127 of the Clean Air Act.

(21) On June 22, 1980, the Governor submitted the following amended rules:

REPEAL AND REPROMULGATION OF REGULATION NO. 3 “A Regulation Requiring Air Pollutant Emission Notice, Emission Permits and Fees.”

REVISIONS TO COMMON PROVISIONS REGULATION as they relate to changes in Regulation No. 3.

(22) On June 5, 1980, the Governor submitted the following rules:

REPEAL AND REPROMULGATION OF REGULATION NO. 7 "A Regulations to Control Emissions of Volatile Organic Compounds" and revisions to the Common Provisions Regulations as they relate to changes in Regulation No. 7.

(23) On August 25, 1980, the Governor of Colorado submitted a site specific revision to the State Implementation Plan for Coors Container Corporation, Paper Packaging Division, in regard to alternative volatile organic compound emissions reduction for its printing presses.

(24) Provisions to meet the requirements of sections 110 and 172 of the Clean Air Act, as amended in 1977, regarding control of Group II VOC sources were submitted on January 6, 1981, and the supplemental information received on August 20, 1981.

(25) On December 29, 1980, the Governor submitted the following rule: Regulation No. 11, covering procedures for garage licensing (including mechanic testing and licensing), equipment requirements (including standards and specifications for exhaust gas analyzers), requirements for inspections, and emission standards as part of the Colorado motor vehicle inspection program.

(26) On March 23, 1981, the Governor submitted revised regulations limiting sulfur dioxide emissions from certain oil shale production facilities.

(27) On April 12, 1982, the Governor submitted the plan revisions to show attainment of the lead National Ambient Air Quality Standard.

(28) Regulation Number 7 is part of the plan.

(29) Provisions to meet the requirements of Part D of the Clean Air Act for carbon monoxide in Colorado Springs, Fort Collins, and Greeley and ozone in Denver were submitted on June 24, 1982, and supplemented by information submitted on May 4, 1983, by the Colorado Air Quality Control Commission.

(30) Revisions to Air Pollution Control Commission Regulation No. 1 related to fugitive particulate emissions, were submitted by the Governor on June 22, 1982; on December 6, 1982; and on March 23, 1983, with a technical

clarification dated August 5, 1982. Included is approval of requirements for continuous emission monitoring (CEM) of sulfur dioxide on fossil fuel fired steam generator with greater than 250 million BTU per hour heat input. Also addressed is the reinstatement of the 40% opacity limitation for wigwam waste-wood burners into Regulation No. 1. With this is the addition of operation and maintenance (O&M) requirements to promote improved operation of the wigwam burners.

(i) *Incorporation by reference.* (A) Emission Control Regulations for Particulates, Smokes and Sulfur Oxides for the State of Colorado, Regulation No. 1.II (Smoke and Opacity); III (Particulates); IV (Continuous Emission Monitoring Requirements for Existing Sources; VII (Statements of Basis and Purpose); and Appendices A and B; which were effective on May 30, 1982.

(B) Colorado Air Quality Control Commission Common Provisions Regulation which was effective on May 30, 1982.

(C) Letter of August 5, 1982, from the State of Colorado to EPA. Clarification of the SIP Re: Continuous Emission Requirements for Oxides of Sulfur from Fossil Fueled Steam Generators.

(31) Revisions to Air Pollution Control Commission Regulation No. 11 related to the Colorado Inspection and Maintenance (I/M) program for exhaust emission inspection of motor vehicles, submitted by the Governor on December 10, 1984.

(32) Revisions to Air Pollution Control Commission Regulation No. 1, section II.A.6 and III.C.2 (a) and (b), submitted by the Governor on April 9, 1985.

(i) *Incorporation by reference.* (A) Revisions to Air Pollution Control Commission Regulation No. 1, "Emission Control Regulation for Particulates, Smokes, and Sulfur Oxides for the State of Colorado," sections II.A.6 and III.C.2 (a) and (b), effective March 2, 1985.

(33) A revision to Regulation No. 4, "Regulation on the Sale of New Woodstoves", to control emissions from new woodstoves was submitted by the Governor on October 24, 1986.

(i) *Incorporation by reference.* (A) Colorado Air Quality Control Commission Regulation No. 4, "Regulation on the

Sale of New Woodstoves” (Section III.A., E., F., G. and Section VI.B. and C.) adopted June 27, 1985.

(34) [Reserved]

(35) Colorado Air Pollution Control Commission Regulation No. 4, “Regulation on the Sale of New Wood Stoves”, submitted by the Governor on July 18, 1985.

(i) *Incorporation by reference.* (A) Colorado Air Quality Control Commission Regulation No. 4., “Regulation on the Sale of New Wood Stoves”, adopted June 27, 1985.

(36) “Revisions to Colorado Regulation No. 3 Requiring Air Contaminant Emission Notices, Emission Permits and Fees as it Relates to the Prevention of Significant Deterioration” and “Revisions to Common Provision Regulation as Related to Regulation 3.” Changes submitted April 18, 1983, by the Governor.

(37) Supplemental information submitted on December 16, 1985, by the Colorado Department of Health concerning compliance with EPA’s stack height regulations in issuing PSD permits.

(i) *Incorporation by reference.* (A) Revisions to Regulation 3 and Common Provisions Regulation adopted March 10, 1983, by the Colorado Air Quality Control Commission.

(B) Supplemental information submitted on December 16, 1985, by the Colorado Department of Health concerning compliance with EPA’s stack height regulation in issuing PSD permits.

(38) Revisions to Regulation 1 to control emissions from alfalfa dehydrators were submitted by the Governor on July 29, 1987.

(i) *Incorporation by reference.* (A) Section II.A.6 and introductory text of Section III.C.2.a of Regulation 1 adopted by the Colorado Air Quality Control Commission on January 15, 1987, effective on March 2, 1987.

(39) Regulation 12, to control emissions from diesel fleets with nine or more vehicles over 7,500 pounds empty weight, registered in the AIR Program area (the Colorado I/M program), was submitted by the Governor on December 21, 1987.

(i) *Incorporation by reference.* (A) Colorado Air Quality Control Commission,

Regulation No. 12, adopted December 18, 1986, and effective January 30, 1987.

(40) A revision to the Colorado SIP was submitted by the Governor on May 8, 1986, for Visibility New Source Review.

(i) *Incorporation by reference.* (A) Revision to the Colorado State Implementation Plan regarding Revision to Regulation No. 3, Section XIV was submitted by the Governor on April 18, 1983, and was adopted on March 10, 1983.

(B) Revision to the Colorado State Implementation Plan regarding Revision to Regulation No. 3, Section IV was submitted by the Governor on May 8, 1986, and was adopted on March 20, 1986.

(41) A revision to the SIP was submitted by the Governor on December 21, 1987, for visibility general plan requirements, monitoring, and long-term strategies.

(i) *Incorporation by reference.* (A) Letter dated December 21, 1987, from Governor Roy Romer submitting the Colorado Visibility SIP revision.

(B) The visibility SIP revision, Regulation No. 3, “Regulation requiring an air contaminant emission notice, Emission Permit Fees”, section XV, adopted by the Colorado Air Quality Control Commission on November 19, 1987.

(42) Revisions to Air Pollution Control Regulation No. 1, requiring reasonably available control technology RACT for carbon monoxide control on petroleum refinery catalytic cracking units were submitted by the Governor on May 8, 1986.

(i) *Incorporation by reference.* (A) Revisions to Section IV., paragraphs IV.A., IV.D.2. and IV.E., and Section VII., Regulation No. 1, emission control regulations for particulates, smokes, carbon monoxide, and sulfur oxides for the State of Colorado requiring CEM and RACT on petroleum refinery catalytic cracking units in the metro Denver area effective on April 30, 1986.

(43) On June 15, 1988, the Governor submitted revisions to the CO SIP for Colorado Springs. The revisions contain a new measure, the Clean Air Campaign. EPA considers all other aspects of the submittal to be surplus.

(i) *Incorporation by reference.* (A) Clean Air Campaign portion of the Carbon Monoxide State Implementation Plan for the Colorado Springs urbanized area, revised August 12, 1987.

(44) A revision to Regulation No. 4 of the Colorado SIP which exempts certain woodburning devices from the certification requirements of Regulation No. 4 was submitted by the Governor of Colorado on September 10, 1988.

(i) *Incorporation by reference.* (A) In a letter dated September 10, 1988, Roy Romer, Governor of Colorado, submitted a revision to Regulation No. 4 of the Colorado SIP.

(B) Paragraph (I)(A)(10)–(13) and (II)(C), revisions to Regulation No. 4, “Regulation on the Sale of New Woodstoves,” of the Colorado SIP became effective on June 30, 1988.

(45) In a letter dated May 8, 1986, the Governor submitted revisions to the Colorado Regulation No. 3 (Regulation Requiring an Air Contaminant Emission Notice, Emission Permit Fees) of the Colorado SIP modifying stack evaluations. The changes consisted of (1) new definitions of dispersion techniques, good engineering practice, nearby, and excessive concentrations (Section XII.D.) and (2) rules clarifying technical modeling and monitoring requirements (Section XII.C.).

(i) *Incorporation by reference.* (A) Revisions to the Colorado Regulation No. 3 (Regulation Requiring an Air Contaminant Emission Notice, Emission Permit Fees), Section XII, adopted March 20, 1986, by the Colorado Air Quality Control Commission.

(46) On July 29, 1987, the Governor submitted:

(1) Amendments to Colorado Regulation No. 11 (Inspection/Maintenance (I/M) program) and

(2) Regulation No. 13 (oxygenated fuels program).

(i) *Incorporation by reference.* (A) Regulation No. 11, revised January 15, 1987, effective March 2, 1987.

(B) Regulation No. 13, adopted June 29, 1987, effective July 30, 1987.

(47) In a letter dated October 23, 1985, the Director of the Air Pollution Control Division submitted the stack height demonstration analysis. Supplemental information was submitted on June 20, 1986, December 4, 1986, Feb-

ruary 3, 1987, March 3, 1988, March 15, 1988, July 6, 1988 and August 16, 1988.

(i) *Incorporation by reference.* Stack height demonstration analyses submitted by the State on October 23, 1985, June 20, 1986, December 4, 1986, February 3, 1987, March 3, 1988, March 15, 1988, July 6, 1988 and August 16, 1988.

(48) [Reserved]

(49) A revision to Regulation No. 4 of the Colorado SIP submitted on June 29, 1990, prohibits persons from operating a wood-burning stove or fireplace during a high pollution day in specified areas.

(i) *Incorporation by reference.* (A) Revisions to Regulation No. 4, “Regulation on the Sale of New Woodstoves,” effective on June 30, 1990.

(50) [Reserved]

(51) On June 29, 1990, the Governor of Colorado submitted revisions to the plan. The revisions include amendments to the Common Provisions Regulation and Regulation No. 3 for emission permit fees and prevention of significant deterioration of air quality (PSD) regulations to incorporate the nitrogen dioxide (NO₂) increments.

(i) *Incorporation by reference.* (A) Revisions to the Colorado Air Quality Control Regulations, Common Provisions Regulation and Regulation No. 3, which were effective on June 30, 1990.

(ii) *Additional material.* (A) October 22, 1990 letter from Douglas Skie, EPA, to Bradley Beckham, Director, Air Pollution Control Division.

(B) November 5, 1990 letter from Bradley Beckham, Director, Air Pollution Control Division, to Douglas Skie, EPA.

(52) [Reserved]

(53) Revisions to the Colorado State Implementation Plan were submitted by the Governor of Colorado on July 13, 1990. The revision adds a voluntary educational Better Air Campaign to the Ft. Collins Carbon Monoxide element of the Colorado SIP.

(i) *Incorporation by reference.* (A) The Fort Collins Better Air Campaign as defined in Exhibit “A” and adopted on September 5, 1989, through Resolution 89-161.

(54) On November 17, 1988 the Governor submitted revisions to Regulation No. 3 and the Common Provisions Regulation which included:

Provisions for the review of new sources to protect the PM-10 national ambient air quality standards (NAAQS) and for consistency with EPA requirements;

Amendments to address deficiencies and previous EPA disapprovals as identified in the May 26, 1988 SIP Call;

Provisions for the certification and trading of emission offset credits; and

Amendments to increase permit processing and annual fees.

(i) *Incorporation by reference.* (A) Regulation No. 3: Sections I.B.2.c.(i)–(vi), I.B.3.a., II.B.1.d & e, II.B.3.c., II.C.1.h., II.C.3., III.A.1., IV.C.4.e., IV.C.4.f.(i) & (iv)–(v), IV.C.6–10, IV.D.1.e., IV.D.2.a.(iv), IV.D.2.b., IV.D.2.c.(i) & (ii), IV.D.3.a.(vi), IV.D.3.b.(i)(D), IV.D.3.b.(iii)(A)(3), (5), (7), & (11), IV.D.3.d.(ii), IV.D.3.e., IV.G.3., IV.H.7., V.C.1., VI.A.2., VI.C.1., VI.D., VII.A., VIII.D., IX.K., XIII.B., XIV.B.1, XIV.B.4.c.; and the Common Provisions Regulation: Section I.G., definitions of “Best Available Control Technology,” “Complete,” “Construction,” “Enforceable,” “Fixed Capital Cost,” “Lowest Achievable Emission Rate (LAER),” “Modification,” “Net Emissions Increase,” “Particulate Matter,” “Particulate Matter Emissions,” “PM10,” “PM10 Emissions,” “Reconstruction,” “Significant,” “Total Suspended Particulate;” revised August 18, 1988, effective September 30, 1988.

(ii) *Additional material.* (A) Letter dated April 29, 1991 from the Colorado Air Pollution Control Division to EPA.

(55) [Reserved]

(56) Revisions to the Colorado State Implementation Plan were submitted by the Governor in letters dated October 25, 1989, and October 30, 1991. The revisions consist of amendments to Regulation No. 12, “Reduction of Diesel Vehicle Emissions.”

(i) *Incorporation by reference.* (A) Regulation No. 12 revisions adopted on July 20, 1989, and effective on August 30, 1989, as follows: Part A (Diesel Fleet Self-Certification Program): I.B.2.; I.C.1.; I.D.; II.A.2.b., c.; all of IV. except those sections noted below; and add new Parts B (Diesel Opacity Inspection Program) and C (Standards for Visible Pollutants from Diesel Engine Powered Vehicles—Operating on Roads, Streets and Highways), except those sections

noted below. Regulation No. 12 revisions adopted on September 19, 1991, and effective on October 30, 1991, as follows: Part A: I.A.; I.B.3–18.; I.C.2.; II.A.1.; II.A.2.d., f., g., III.A.; IV.A.2.; IV.C.1.c., g.; IV.C.2.c., h.; IV.C.3.f., i.; IV.C.4.k.; IV.C.5.a.iv.; IV.C.5.b.; V.; VI.; VII.; VIII.; Part B: I.B.2., 7., 19., 30–37., 40., 50., 51.; I.C.2.; I.D.; I.E.3.; II.C.1.b.iv.; II.E.2.c., e.; II.E.8.; III.A.; III.B.4.; III.C.4.b.viii.–ix.; III.D.3.b.vi., xi.; III.D.3.c.viii., xiii.; V.; VI.; and Part C: A.–F.

(57) Revision to the State Implementation Plan for Carbon Monoxide: Greeley Element.

(i) *Incorporation by reference.* (A) Letter and submittal dated November 25, 1987, from the Governor of Colorado to the EPA Region VIII Administrator, to revise the SIP to include the Greeley Element. The revision was adopted by the State on September 17, 1987.

(58) On November 17, 1988, the Governor submitted an amendment to Colorado Regulation No. 1, Section II.A.9., to exempt the destruction of Pershing missiles under the Intermediate-Range Nuclear Forces (INF) Treaty from meeting the opacity limits.

(i) *Incorporation by reference.* (A) Regulation No. 1, Section II.A.9., adopted September 15, 1988, effective October 30, 1988.

(59) Revisions to the State’s new source review and prevention of significant deterioration permitting rules in the Common Provisions Regulation and Regulation No. 3, which were submitted by the Governor on April 9, 1992.

(i) *Incorporation by reference.* (A) Regulation No. 3: Sections I.A., I.B.2.c. through e., I.B.3.e. and f., II.B.1., II.B.2., II.C., III.A.1., III.B., III.D., IV.B.2., IV.C.4., IV.C.7., IV.C.9, IV.D.1., IV.D.2.a.(ii) and (iv), IV.D.2.b.(i), IV.D.3.a.(iii) and (vi), IV.D.3.b.(iv), IV.H., IV.I., V.A., V.C.1., V.C.3., V.D.1., V.D.2., V.D.4., V.D.5., V.D.11., V.E.1., V.E.5., V.F.10., V.F.11., V.F.13., V.G.7., V.G.8., V.H.3., V.H.7. and 8., V.I.3., VI.A.1., VI.C.2., IX.D., XII.D., XIII.B.4., XIII.B.6., and XV.D.2.; and the Common Provisions Regulation: Sections I.D.2., I.F., II.C.1., II.C.4., IV., and Section I.G.—definitions of “best available control technology,” “commenced construction,” “complete,” “federally enforceable,” “modification,” “potential

to emit,” “reasonable further progress,” and “stationary source;” revised October 17, 1991, effective November 30, 1991.

(ii) Common Provisions Regulation, 5 CCR 1001-2, Section III., Smoking Gasoline Powered Motor Vehicle Control Region, is deleted without replacement, effective September 30, 2002, as described in (c)(118) below.

(60) Revisions to the Long-Term Strategy of the Colorado State Implementation Plan for Class I Visibility Protection were submitted by the Governor in a letter dated November 18, 1992. The submittal completely replaces the previous version of the Long-Term Strategy and includes amendments to Air Quality Control Commission Regulation No. 3, “Air Contaminant Emissions Notices.”

(i) *Incorporation by reference.* (A) Revisions to the Visibility Chapter of Regulation No. 3 as follows: XV.F.1.c. as adopted on August 20, 1992, and effective on September 30, 1992.

(61) The Governor of Colorado submitted a portion of the requirements for the moderate nonattainment area PM₁₀ State Implementation Plan (SIP) for Denver, Colorado with a letter dated June 7, 1993, and subsequent submittals dated September 3, 1993, and October 20, 1993, fulfilling most of the commitments made in the June 7, 1993, letter. The submittals were made to satisfy those moderate PM₁₀ nonattainment area SIP requirements due for the Denver PM₁₀ nonattainment area on November 15, 1991. EPA is approving, for the limited purpose of strengthening the SIP, the control measures contained in the SIP revisions identified above. (EPA is not approving, at this time, the control measures limiting the emissions from Purina Mills and Electron Corporation.)

(i) *Incorporation by reference.* (A) Revisions to Regulation No. 4, “Regulation on the Sale of New Woodstoves and the Use of Certain Woodburning Appliances During High Pollution Days,” as adopted by the Air Quality Control Commission on June 24, 1993, effective August 30, 1993, as follows: insert new Section VIII and recodification of References Section. This revision pertains to local jurisdiction implementation and enforcement of ordi-

nances and resolutions restricting wood burning on high pollution days.

(B) Regulation No. 16, “Concerning Material Specifications for, Use of, and Clean-up of Street Sanding Material,” as adopted by the Air Quality Control Commission on June 24, 1993, effective August 30, 1993, as follows: recodification of Regulation and addition of Sections II and III, which regulate emissions from street sanding and sweeping in the Denver PM₁₀ nonattainment area.

(C) Revisions to Regulation No. 1, “Emission Control Regulations for Particulates, Smokes, Carbon Monoxide, and Sulfur Oxides for the State of Colorado,” as adopted by the Air Quality Control Commission on August 19, 1993, effective October 30, 1993, as follows: insert new Sections VII and VIII and recodification of the two following Sections, “Emission Regulations Concerning Areas Which are Nonattainment for Carbon Monoxide—Refinery Fluid Bed Catalytic Cracking Units”, and “Statements of Basis and Purpose” Sections. The revisions pertain to restrictions on the use of oil as a back-up fuel for certain sources and set new emission limits at the following Public Service Company Power Plants: Cherokee, Arapahoe, and Valmont.

(D) Coors Glass Plant allowable emission limitations on three furnaces.

1. Permit 92JE129-1, effective date January 19, 1993, regulating emissions at the KTG glass melting furnace #1.

2. Permit 92JE129-2, effective date January 19, 1993, regulating emissions at the KTG glass melting furnace #2.

3. Permit 92JE129-3, effective date January 19, 1993, regulating emissions at the KTG glass melting furnace #3.

(E) Conoco Refinery allowable emission limitations from the refinery.

1. Permit 90AD524, effective date March 20, 1991, regulating a Tulsa natural gas fired 20MMbtu/hour heater equipped with low-Nox burners.

2. Permit 90AD053, effective date March 20, 1991, regulating process heaters H-10, H-11 and H-27 and process boilers B4, B6, and B8 all burning fuel gas only.

3. Permit 91AD180-3, effective December 28, 1992, regulating the three stage

Claus sulfur recovery unit with tail gas recovery unit.

(ii) *Additional material.* (A) Regional Air Quality Council, "Guidelines for Reducing Air Pollution from Street Sanding" sets voluntary guidelines for public works departments to follow to reduce the amount of street sand applied, and includes recommendations for increasing the effectiveness of street cleaning operations.

(B) Adolph Coors Company Brewery permit emission limitations on five boilers. Permits: C-12386-1&2, C-12386-3, C-10660, C-11199, and C-11305.

(62) On February 24, 1993, and December 9, 1993, the Governor of Colorado submitted revisions to the Colorado State implementation plan (SIP) to satisfy those moderate PM-10 nonattainment area SIP requirements for Pagosa Springs, Colorado due to be submitted by November 15, 1991. Included in the December 9, 1993 submittal were PM-10 contingency measures for Pagosa Springs to satisfy the requirements of section 172(c)(9) of the Act due to be submitted by November 15, 1993.

(i) *Incorporation by reference.* (A) Colorado Air Quality Control Commission Nonattainment Areas regulation, section I. "Pagosa Springs Nonattainment Area," adopted on November 19, 1992, effective on December 30, 1992, with revisions adopted on November 12, 1993, effective on December 30, 1993.

(63) On November 18, 1992, the Governor of Colorado submitted a plan for the establishment and implementation of a Small Business Assistance Program to be incorporated into the Colorado State Implementation Plan as required by section 507 of the Clean Air Act.

(i) *Incorporation by reference.* (A) Colorado Revised Statutes, Sections 25-7-109.2 and 25-7-114.7, to establish and fund a small business stationary source technical and environmental compliance assistance program, effective July 1, 1992.

(ii) *Additional materials.* (A) November 18, 1992 letter from the Governor of Colorado submitting a Small Business Assistance Program plan to EPA.

(B) The State of Colorado plan for the establishment and implementation of a Small Business Assistance Pro-

gram, adopted by the Colorado Air Quality Control Commission on October 15, 1992, effective October 15, 1992.

(64) On December 9, 1993, the Governor of Colorado submitted PM₁₀ contingency measures for the moderate nonattainment PM₁₀ areas of Canon City and Lamar, Colorado. The submittal was made to satisfy the moderate PM₁₀ nonattainment area requirements for contingency measures due for Canon City and Lamar on November 15, 1993.

(i) *Incorporation by reference.* (A) Colorado Air Quality Control Commission Nonattainment Area Regulation, Section IV. "Lamar Nonattainment Area," and Section V. "Canon City Nonattainment Area—PM-10," adopted on November 12, 1993, and effective December 30, 1993.

(65) On January 15, 1992, March 17, 1993, and December 9, 1993, the Governor of Colorado submitted revisions to the Colorado State implementation plan (SIP) to satisfy those moderate PM-10 nonattainment area SIP requirements for Aspen, Colorado due to be submitted by November 15, 1991. Included in the December 9, 1993 submittal were PM-10 contingency measures for Aspen to satisfy the requirements of section 172(c)(9) of the Act due to be submitted by November 15, 1993.

(i) *Incorporation by reference.* (A) Colorado Air Quality Control Commission Nonattainment Areas regulation, all of Section III. "Aspen/Pitkin County PM-10 Nonattainment Area" except Section III.C.6., adopted on January 21, 1993 effective on March 2, 1993, with revisions adopted on November 12, 1993, effective on December 30, 1993.

(66) On January 14, 1993, the Governor of Colorado submitted revisions to the new source review and prevention of significant deterioration requirements in the Common Provisions Regulation and Regulation No. 3, as well as a revision to Regulation No. 7 pertaining to volatile organic compounds of negligible photochemical reactivity.

(i) *Incorporation by reference.* (A) Air Quality Control Commission Common Provisions Regulation, Section I.C. and Section I.G., definitions of "adverse environmental effect," "air pollutant," "best available control technology," "federal act," "federally enforceable,"

“hazardous air pollutant,” paragraph h. in “net emissions increase,” “ozone depleting compound,” and “significant;” revised 11/19/92, effective 12/30/92.

(B) Air Quality Control Commission Regulation No. 3 Air Contaminant Emission Notices, Sections I.B.1., I.B.2.c-e., I.B.3.e-f., IV.B.3-5, IV.D.2.a.(iii), IV.D.2.c., IV.D.3., IV.D.4., IV.E., IV.F., IV.H., V.E.9., VI.B.1., VI.B.4., VI.B.5., VI.C., VII.C., VIII.A., VIII.C.1., XI.A., and XIII.A. and B.; revised 11/19/92, effective 12/30/92.

(C) Air Quality Control Commission Regulation No. 7 Emissions of Volatile Organic Compounds, Section II.B.; revised 11/19/92, effective 12/30/92.

(67) On November 27, 1992, the Governor of Colorado, submitted a revision to the Colorado SIP. This revision replaces previous versions of Regulation No. 13 with the amended Regulation No. 13 (oxygenated gasoline program) adopted September 17, 1992. Regulation No. 13 requires the oxygenated gasoline programs to be implemented in the Fort Collins-Loveland, Colorado Springs, and Boulder-Denver Metropolitan Statistical Areas (MSA) as required by Section 211(m) of the Clean Air Act Amendments of 1990.

(i) *Incorporation by reference.* (A) Revision to Regulation No. 13, “Oxygenated Gasoline Program,” as adopted by the Colorado Air Quality Control Commission on September 17, 1992, effective October 10, 1992, as follows: entire Regulation revision. This regulation supersedes and replaces all previous revisions to Regulation No. 13, (40 CFR, 52.320(46)(2)).

(68) The Governor of Colorado submitted a portion of the requirements for the moderate nonattainment area PM₁₀ State Implementation Plan (SIP) for Telluride, Colorado with a letter dated March 17, 1993. The submittal was made to satisfy those moderate PM₁₀ nonattainment area SIP requirements due for Telluride on November 15, 1991; however, the submittal did not contain quantitative milestones to provide for maintenance of the PM₁₀ National Ambient Air Quality Standards through December 1997. The Governor of Colorado submitted moderate PM₁₀ nonattainment area contingency measures for Telluride with a letter dated December 9, 1993. This submittal was

intended to satisfy the requirements of section 172(c)(9) of the Clean Air Act due on November 15, 1993.

(i) *Incorporation by reference.* (A) Colorado Air Quality Control Commission Nonattainment Areas regulation, Section II., Telluride Nonattainment Area, adopted January 21, 1993 and effective on March 2, 1993, with revisions adopted November 12, 1993 and effective December 30, 1993.

(ii) *Additional material.* (A) The commitment and schedule for the adoption and implementation of PM₁₀ control measures that are necessary to demonstrate maintenance of the 24-hour PM₁₀ standard in Telluride, which were submitted in an April 21, 1994 letter from Thomas Getz, Air Pollution Control Division, to Douglas M. Skie, EPA.

(69) On January 14, 1994 and on June 24, 1994, Roy Romer, the Governor of Colorado, submitted SIP revisions to the Implementation Plan for the Control of Air Pollution. This revision establishes and requires the implementation of an enhanced motor vehicle inspection and maintenance program in the Denver and Boulder urbanized areas as required by section 187(a)(6) of the Clean Air Act Amendments of 1990. This material is being incorporated by reference for the enforcement of Colorado’s enhanced I/M program only.

(i) *Incorporation by reference.* (A) Colo. Rev. Stat. Sections 42-4-306.5–42-4-316 adopted June 8, 1993 as House Bill 93-1340, effective July 1, 1993.

(B) Regulation No. 11 (Inspection/Maintenance Program) as adopted by the Colorado Air Quality Control Commission (AQCC) on March 17, 1994.

(ii) *Additional materials.* (A) SIP narrative and technical appendices 1-20 as corrected and approved by the AQCC on June 21, 1994. The narrative is entitled “State of Colorado Motor Vehicle Inspection and Maintenance State Implementation Plan”, dated December 16, 1993 with technical corrections.

(70) Revisions to the Colorado State Implementation Plan were submitted by the Governor on September 27, 1989, and August 30, 1990. The revisions consist of amendments to the Ozone provisions in Regulation No. 7, “Regulation To Control Emissions of Volatile Organic Compounds.”

(i) *Incorporation by reference.* (A) Revisions to Regulation No. 7, Sections 7.I (Applicability), 7.II (General Provisions), 7.III (General Requirements for Storage and Transfer of Volatile Organic Compounds), 7.IV (Storage of Highly Volatile Organic Compounds), 7.V (Disposal of Volatile Organic Compounds), 7.VI (Storage and Transfer of Petroleum Liquid), 7.VIII (Petroleum Processing and Refining), 7.IX (Surface Coating Operations), 7.X (Use of Solvents for Degreasing and Cleaning), 7.XI (Use of Cutback Asphalt), 7.XII (Control of VOC Emissions from Dry Cleaning Facilities Using Perchloroethylene as a Solvent), 7.XIII (Graphic Arts), 7.XIV (Pharmaceutical Synthesis), 7.XV (Control of Volatile Organic Compound Leaks from Vapor Collection Systems Located at Gasoline Terminals, Bulk Plants, and Gasoline Dispensing Facilities), and Appendices A (Criteria for Control of Vapors from Gasoline Transfer to Storage Tanks), B (Criteria for Control of Vapors from Gasoline Transfer at Bulk Plants-Vapor Balance System), and D (Test Procedures for Annual Pressure/Vacuum Testing of Gasoline Transport Trucks). The following new emission sources and appendices were added to Regulation No. 7: 7.IX.A.7 (Fugitive Emission Control), 7.IX.M (Flat Wood Paneling Coating), 7.IX.N. (Manufacture of Pneumatic Rubber Tires), and Appendix E (Emission Limit Conversion Procedure). These revisions became effective on October 30, 1989, and August 30, 1990.

(ii) *Additional material.* (A) February 5, 1992, letter from John Leary, Acting Director, Colorado Air Pollution Control Division, to Douglas Skie, EPA. This letter contained the State's commitment to conduct capture efficiency testing using the most recent EPA capture efficiency protocols, and the commitment to adopt federal capture efficiency test methods after they are officially promulgated by EPA.

(71) The Governor of Colorado submitted carbon monoxide contingency measures for Colorado Springs and Fort Collins with a letter dated February 18, 1994. This submittal was intended to satisfy the requirements of section 172(c)(9) of the Clean Air Act

for contingency measures which were due on November 15, 1993.

(i) *Incorporation by reference.* (A) Colorado Air Quality Control Commission Nonattainment Areas regulation, 5 CCR 1001-20, Section VI, City of Fort Collins Nonattainment Area, and Section VII, Colorado Springs Nonattainment Area, adopted on November 12, 1993, effective on December 30, 1993.

(72) On November 12, 1993, August 25, 1994, September 29, 1994, November 17, 1994, and January 29, 1996, the Governor of Colorado submitted revisions to the State's construction permitting requirements in Regulation No. 3 and the Common Provisions Regulation. These revisions included nonattainment new source review permitting requirements for new and modified major sources of PM-10 precursors locating in the Denver moderate PM-10 nonattainment area, changing from the dual source definition to the plantwide definition of source in nonattainment new source review permitting, other changes to Regulation No. 3 to make the construction permitting program more compatible with the State's title V operating permit program, and correction of deficiencies. In addition, the Governor submitted revisions to the Common Provisions Regulation on April 9, 1992 and January 14, 1993.

(i) *Incorporation by reference.* (A) Common Provisions Regulation, 5 CCR 1001-2, Section I.G., definitions of "baseline area" and "reconstruction;" adopted 10/17/91, effective 11/30/91.

(B) Common Provisions Regulation, 5 CCR 1001-2, Section I.G., definitions of "net emissions increase" and "stationary source;" adopted 8/20/92, effective 9/30/92.

(C) Common Provisions Regulation, 5 CCR 1001-2, Section I.A. and Section I.G., definitions of "emission control regulation" and "volatile organic compound;" adopted 11/19/92, effective 12/30/92.

(D) Regulation No. 3, Air Contaminant Emissions Notices, 5 CCR 1001-5, revisions adopted 8/18/94, effective 9/30/94, as follows: Part A (with the exception of the last sentence in the definition of "Federally enforceable" in Section I.B.22 and with the exception of Section IV.C.) and Part B (with the exception of Sections V.B. and VII.A.5.).

This version of Regulation No. 3, as incorporated by reference here, supersedes and replaces all versions of Regulation No. 3 approved by EPA in previous actions.

(E) Regulation No. 3, Air Contaminant Emissions Notices, 5 CCR 1001-5, revisions adopted on 3/16/95, effective 5/30/95, as follows: Part A: Sections I.B.12., I.B.31., I.B.32., I.B.35.B., I.B.36., I.B.37., I.B.41., I.B.50., I.B.57., I.B.66., II.D.5.c., II.D.5.d., V.B., V.C.6., V.C.10., V.E.1.c., V.E.1.d., V.H.4. through V.H.8., V.I.1., VI.C.1.f., and VII.A.; Part B: Sections III.D.2., III.D.3., IV.B.4., IV.C.1., IV.D.1.a., IV.D.2.c.(i)(E), IV.D.4.a., and IV.J.

(F) Previously approved in paragraph (c)(72)(i)(D) under Regulation No. 3, Air Contaminant Emissions Notices, 5 CCR 1001-5. These sections are now deleted without replacement: II.B.7., II.B.8., II.B.9., II.B.10., and II.D.7, effective October 30, 2006.

(G) 1001-5, Colorado Regulation No. 3, Air Contaminant Emissions Notices, Part A, Concerning General Provisions Applicable to Reporting and Permitting, Sections II.D.1.m, II.D.1.ee, II.D.1.uu, II.D.1.ddd, and II.D.1.eeee, previously approved in paragraph (c)(72)(i)(D) of this section, were repealed by the State of Colorado effective January 30, 2009 and are removed without replacement.

(ii) *Additional material.* (A) July 3, 1995 letter from Martha E. Rudolph, First Assistant Attorney General, Colorado Office of the Attorney General, to Jonah Staller, EPA.

(73) On January 14, 1994 and on June 24, 1994, Roy Romer, the Governor of Colorado, submitted SIP revisions to the State Implementation Plan for the Control of Air Pollution. This revisions requires the implementation of a basic motor vehicle inspection and maintenance program in the urbanized areas of El Paso (Colorado Springs), Larimer (Fort Collins), and Weld (Greeley) Counties meeting the requirements of the Clean Air Act Amendments of 1990. This material is being incorporated by reference for the enforcement of Colorado's basic I/M program only.

(i) *Incorporation by reference.* (A) Colo. Rev. Stat. §§ 42-4-306.5-42-4-316 adopted June 8, 1993 as House Bill 93-1340, effective July 1, 1993.

(B) Regulation No. 11 (Inspection/Maintenance Program) as adopted by the Colorado Air Quality Control Commission (AQCC) on March 17, 1994, effective April 30, 1994.

(74) The Governor of Colorado submitted PM₁₀ contingency measures for Denver, Colorado in a letter dated November 17, 1995.

(i) *Incorporation by reference.* (A) Section IV. of Regulation No. 16, Street Sanding Emissions, adopted March 16, 1995, effective May 30, 1995.

(75) The Governor of Colorado submitted revisions to the PM₁₀ moderate nonattainment area State Implementation Plan (SIP) for Telluride, Colorado with a letter dated April 22, 1996. The submittal was made to satisfy the State's commitment to adopt additional control measures necessary to demonstrate continued maintenance of the PM₁₀ National Ambient Air Quality Standards through 1997. Due to the satisfaction of this commitment, the SIP now adequately meets the quantitative milestone requirement.

(i) *Incorporation by reference.* (A) Colorado Air Quality Control Commission State Implementation Plan-Specific Regulation for Nonattainment Areas, 5 CCR 1001-20, Section II.C., Telluride Nonattainment Area Street Sanding Requirements, adopted August 17, 1995 and effective October 30, 1995.

(76) The Governor of Colorado submitted the moderate nonattainment area PM₁₀ State Implementation Plan (SIP) for Steamboat Springs, Colorado with a letter dated September 16, 1997. The submittal was made to satisfy those moderate PM₁₀ nonattainment area SIP requirements due for Steamboat Springs on July 20, 1995, including among other things, control measures, technical analyses, quantitative milestones, and contingency measures. The September 16, 1997 submittal also included the Steamboat Springs emergency episode plan.

(i) *Incorporation by reference.* (A) Colorado Air Quality Control Commission Nonattainment Areas, 5 CCR 1001-20, Section VIII., Steamboat Springs PM₁₀ Nonattainment Area, adopted October 17, 1996 and effective on December 30, 1996.

(ii) *Additional material.* (A) An October 29, 1997 letter from Margie M. Perkins, APCD, to Richard R. Long, EPA, clarifying that the regulation entitled "Ambient Air Quality Standards for the State of Colorado" was included in the September 16, 1997 Steamboat Springs SIP submittal for informational purposes only.

(77) On September 29, 1995, Roy Romer, the Governor of Colorado, submitted a SIP revision to the State Implementation Plan for the Control of Air Pollution. This revision provides a replacement Regulation No. 11, Inspection/Maintenance Program which limits dealer self-testing. This material is being incorporated by reference for the enforcement of Colorado's I/M program.

(i) *Incorporation by reference.* (A) Department of Health, Air Quality Control Commission, Regulation No. 11 (Motor Vehicle Emissions Inspection Program) as adopted by the Colorado Air Quality Control Commission (AQCC) on September 22, 1994, effective November 30, 1994.

(78) Revisions to the Colorado State Implementation Plan were submitted by the Governor of the State of Colorado on August 25, 1995, and October 16, 1995. The revisions consist of amendments to Regulation No. 3, "Air Contaminant Emissions Notices" and to Regulation No. 7, "Regulation To Control Emissions of Volatile Organic Compounds." These revisions involve source-specific State Implementation Plan requirements for emission trading for Pioneer Metal Finishing Inc. and crossline averaging for Lexmark International Inc.

(i) *Incorporation by reference.* (A) Revisions to Regulation No. 3, 5 CCR 1001-5, sections V.A. (Purpose), V.C.1, V.C.3, V.C.5 (Definitions), V.D.6, V.D.7, V.D.9 (Procedure for Certification of Emissions Reductions and Approval of Transactions), V.E. (Criteria for Certification of Emissions Reductions), V.F., V.F.5, V.F.7, V.F.8.1, V.F.14, and V.F.15 (Criteria for Approval of all Transactions) and Revisions to Regulation No. 7, 5 CCR 1001-9, section II.D.1.a (Alternative Control Plans and Test Methods) became effective on December 30, 1994. The new section IX.L.2.c through IX.L.2.c.xv (Manufactured

Metal Parts and Metal Products) to Regulation No. 7, 5 CCR 1001-9, applicable to Pioneer Metal Finishing Inc., became effective on April 30, 1995. The new section IX.A.12 through IX.A.12.a.(xi) (General Provisions) to Regulation No. 7, 5 CCR 1001-9, applicable to Lexmark International Inc., became effective July 30, 1995.

(79) On August 23, 1996, the Governor of Colorado submitted a revision to the long-term strategy portion of Colorado's State Implementation Plan (SIP) for Class I Visibility Protection. The revision was made to incorporate into the SIP, among other things, emissions reduction requirements for the Hayden Station (a coal-fired steam generating plant located near the town of Hayden, Colorado) that are based on a consent decree addressing numerous air pollution violations at the plant. This SIP revision replaces the previous existing impairment portion of the long-term strategy as it relates to the Mt. Zirkel Wilderness Area.

(i) *Incorporation by reference.* (A) Long-Term Strategy Review and Revision of Colorado's State Implementation Plan for Class I Visibility Protection Part I: Hayden Station Requirements, as follows: Section VI., effective on August 15, 1996.

(80) On July 11, 1994, July 13, 1994, September 29, 1995, and December 22, 1995, the Governor of Colorado submitted revisions to the Colorado State Implementation Plan (SIP) to satisfy those CO nonattainment area SIP requirements for Denver and Longmont, Colorado due to be submitted by November 15, 1992, and further revisions to the SIP to shorten the effective period of the oxygenated fuels program. EPA is not taking action on the SIP provision submitted on July 11, 1994 that calls for a prohibition of the re-registration of abandoned and impounded vehicles.

(i) *Incorporation by reference.* (A) Regulation No. 11, Motor Vehicle Emissions Inspection Program, 5 CCR 1001-13, as adopted on September 22, 1994, effective November 30, 1994. Regulation No. 13, Oxygenated Fuels Program, 5 CCR 1001-16, as adopted on October 19, 1995, effective December 20, 1995.

(81) On August 1, 1996, the Governor of Colorado submitted revisions to the

prevention of significant deterioration regulations in Regulation No. 3 to incorporate changes in the Federal PSD permitting regulations for PM-10 increments and to make other minor administrative revisions.

(i) *Incorporation by reference.* (A) Regulation No. 3, Air Contaminant Emissions Notices, 5 CCR 1001-5, revisions adopted 8/17/95, effective 10/30/95, as follows: Part A, Section I.B., as follows: the definition of "baseline area" in subsection 10, the definition of "minor source baseline date" in subsection 35, and the definition of "net emissions increase" in subsection 37; Part A: Sections IV.B., V.C.1., and V.D.11.c.; Part B: Sections IV.D.3.b.(v), VII.A.1., and X.D.

(82) The Governor of Colorado submitted the Denver moderate nonattainment area PM₁₀ State Implementation Plan (SIP) with a letter dated March 30, 1995. The Governor submitted revisions to Regulation No. 13, one of the control measures relied on in the PM₁₀ SIP, on December 22, 1995. These submittals as well as support documentation submittals made on June 8, 1993, June 10, 1993, June 25, 1993, July 19, 1993, August 5, 1993, September 3, 1993, September 21, 1993, October 20, 1993, December 12, 1993, January 19, 1994, December 23, 1994, March 3, 1995, and November 8, 1995 satisfy those moderate PM₁₀ nonattainment area SIP requirements due for the Denver PM₁₀ nonattainment area on November 15, 1991. EPA is approving the SIP. This approval replaces the previous limited approval at 40 CFR 52.320(c)(61).

(i) *Incorporation by reference.* (A) Regulation No. 4, "Regulation on the Sale of New Woodstoves and the Use of Certain Woodburning Appliances During High Pollution Days," 5 CCR 1001-6, as adopted by the Air Quality Control Commission on June 24, 1993, effective August 30, 1993.

(B) Local woodburning ordinances and resolutions.

(1) Arvada, Colorado. Ordinance number 2451, effective November 2, 1987, regarding woodburning restrictions.

(2) Aurora, Colorado. Ordinance numbers 87-118 and 92-14, effective May 22, 1987 and May 22, 1992, respectively, regarding woodburning restrictions.

(3) Boulder, Colorado. Ordinance numbers 5007 and 5445, adopted November 25, 1986 and April 21, 1992, respectively, regarding woodburning restrictions.

(4) Broomfield, Colorado. Ordinance number 794, effective November 24, 1988, regarding woodburning restrictions.

(5) Denver, Colorado. Ordinance numbers 293 and 1018, approved May 30, 1990 and December 16, 1993, respectively, regarding woodburning restrictions.

(6) Douglas County, Colorado. Resolution number 991-128, adopted November 14, 1991, regarding woodburning restrictions.

(7) Englewood, Colorado. Ordinance numbers 31 and 39, passed on July 20, 1992, regarding woodburning restrictions.

(8) Federal Heights, Colorado. Ordinance number 565, adopted January 5, 1988, regarding woodburning restrictions.

(9) Glendale, Colorado. Ordinance numbers 2 and 14, adopted January 5, 1988 and effective on October 20, 1992, respectively, regarding woodburning restrictions.

(10) Greenwood Village, Colorado. Ordinance numbers 17 and 9, effective July 9, 1988 and March 25, 1992, respectively, regarding woodburning restrictions.

(11) Jefferson County, Colorado. Resolution numbers CC89-873 and CC90-617, dated December 29, 1989 and August 7, 1990, respectively, regarding woodburning restrictions.

(12) Lafayette, Colorado. Ordinance number 24; series 1988, effective November 15, 1988, regarding woodburning prohibitions.

(13) Lakewood, Colorado. Ordinance numbers 0-86-113 and 0-92-61, effective December 1, 1986 and November 28, 1992, respectively, regarding woodburning restrictions.

(14) Littleton, Colorado. Ordinance numbers 51 and 26, passed on December 6, 1988 and August 18, 1992, respectively, regarding woodburning restrictions.

(15) Longmont, Colorado. Ordinance number 0-89-1, adopted December 27, 1988, regarding woodburning restrictions.

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(16) Mountain View, Colorado. Ordinance number 90-5, approved on January 7, 1991, regarding woodburning restrictions.

(17) Sheridan, Colorado. Ordinance numbers 22 and 1, approved October 25, 1988 and February 9, 1993, respectively, regarding woodburning restrictions.

(18) Thornton, Colorado. Ordinance numbers 2120 and 2194, adopted October 28, 1991 and September 28, 1992, respectively, regarding woodburning restrictions.

(19) Westminster, Colorado. Ordinance numbers 1742 and 2092, enacted on November 9, 1987 and December 28, 1992, respectively, regarding woodburning restrictions.

(C) Regulation No. 16, "Concerning Material Specifications for, Use of, and Clean-up of Street Sanding Material," 5 CCR 1001-18, as adopted by the Air Quality Control Commission on September 22, 1994, effective November 30, 1994.

(D) Regulation No. 1, "Emission Control Regulations for Particulates, Smokes, Carbon Monoxide, and Sulfur Oxides for the State of Colorado," 5 CCR 1001-3, Sections I-IV and VI-IX, and Appendices A and B, as adopted by the Air Quality Control Commission on August 19, 1993, effective October 20, 1993; with revisions to Sections VII and VIII, adopted by the Air Quality Control Commission on September 22, 1994, effective November 30, 1994.

(E) Public Service Company Cherokee facility SO₂ emission limitations for the power facility.

(1) Permit 86AD352(1), effective date November 13, 1986, regulates SO₂ emissions at Unit #1.

(2) Permit 86AD352-2, effective date April 30, 1992, regulates SO₂ emissions at Unit #4.

(F) Purina Mills Inc. total PM₁₀ emissions limitations at the animal feed manufacturing facility.

(1) Permit 93AD1008-1, effective date October 19, 1993, regulating emissions at the finished product loadout facility.

(2) Permit 93AD1008-2, effective date October 19, 1993, regulating emissions at the grain receiving facility.

(G) Electron Corporation total PM₁₀ emission limitations at the gray iron foundry.

(1) Permit 93AR1363-1, effective date January 12, 1994, regulating emissions at the Table shot blaster and associated baghouse.

(2) Permit 93AR1363-2, effective date January 12, 1994, regulating emissions at the five grinding booths-stand and associated baghouse.

(3) Permit 93AR1363-3, effective date January 12, 1994, regulating emissions at the five grinding booths-hand and associated baghouse.

(4) Permit 93AR1363-4, effective date January 12, 1994, regulating emissions at the Muller-25 sand system and associated baghouse.

(5) Permit 93AR1363-5, effective date January 12, 1994, regulating emissions at the Coleman core oven-sand.

(6) Permit 93AR1363-6, effective date January 12, 1994, regulating emissions at the Spinner wheelabrator and associated baghouse.

(7) Permit 93AR1363-7, effective date January 12, 1994, regulating emissions at the Sand sile-core room and associated baghouse.

(8) Permit 93AR1363-8, effective date January 12, 1994, regulating emissions from pouring of molten iron (casting) and castings cooling.

(9) Permit 93AR1363-9 effective date January 12, 1994, regulating emissions at three tumble blast machines and associated baghouse.

(10) Permit 93AR1363-10, effective date January 12, 1994, regulating emissions at two mullers-80A and associated baghouse.

(11) Permit 93AR1363-11, effective date January 12, 1994, regulating emissions at the Casting shakeout hood and associated baghouse.

(12) Permit 93AR1363-12, effective date January 12, 1994, regulating emissions at the Casting-disamatic mold and associated baghouse.

(13) Permit 93AR1363-13, effective date January 12, 1994, regulating emissions at the Sand silo-disamatic and associated baghouse.

(14) Permit 93AR1363-14, effective date January 12, 1994, regulating emissions at the Sand silo-air set room and associated baghouse.

(15) Permit 93AR1363-15, effective date January 12, 1994, regulating emissions at two electric induction furnaces and associated baghouse.

(16) Permit 93AR1363-16, effective date January 12, 1994, regulating emissions at two Inducto-Therm electric induction furnaces model #2000/4, serial nos. 40102 and 40103, and associated baghouse.

(17) Permit 93AR1363-17, effective date January 12, 1994, regulating emissions from chemicals used in core making process.

(18) Permit 93AR1363-18, effective date January 12, 1994, regulating emissions at the Loop shakeout and associated baghouse.

(19) Permit 93AR1363-19, effective date January 12, 1994, regulating emissions at the Floor shakeout and associated baghouse.

(20) Permit 93AR1363-20, effective date January 12, 1994, regulating emissions at the Reclaim sand and associated baghouse.

(21) Permit 93AR1363-21 effective date January 12, 1994, regulating emissions at the Sand heater/cooler and associated baghouse.

(22) Permit 93AR1363-22, effective date January 12, 1994, regulating emissions at the Paint spray booth.

(H) TRIGEN-Colorado Energy Corporation permit emissions limitations at two boilers.

(1) Permit 10JE660, effective date February 25, 1997, regulating emissions at the #4 boiler: tangential fired cogeneration steam boiler.

(2) Permit 11JE305-1, effective date February 19, 1997, regulating emissions at the #5 boiler: tangential fired cogeneration steam boiler.

(I) Rocky Mountain Bottle Company emission limitations on three furnaces.

(1) Permit 92JE129-1, effective date June 29, 1995, regulating emissions at the KTG glass melting furnaces #1, #2 and #3.

(J) Conoco Refinery allowable emission limitations from the refinery.

(1) Permit 90AD524, effective date March 20, 1991, regulating a Tulsa natural gas fired 20MMbtu/hour heater equipped with low-NO_x burners.

(2) Permit 90AD053, effective date March 20, 1991, regulating process heaters H-10, H-11 and H-27 and process boilers B4, B6, and B8 all burning fuel gas only.

(3) Permit 91AD180-3, effective December 28, 1992, regulating the three

stage Claus sulfur recovery unit with tail gas recovery unit.

(ii) *Additional material.* (A) Regional Air Quality Council, "Guidelines for Reducing Air Pollution from Street Sanding" sets voluntary guidelines for public works departments to follow to reduce the amount of street sand applied, and includes recommendations for increasing the effectiveness of street cleaning operations.

(83) A revision to the Colorado State Implementation Plan was submitted by the Governor of the State of Colorado on April 22, 1996. The revision consists of an amendment to Colorado Air Quality Control Commission Regulation No. 7, "Regulation To Control Emissions of Volatile Organic Compounds," to provide an exemption for beer production and associated beer container storage and transfer operations involving volatile organic compounds under 1.5 psia from certain bottom or submerged filling requirements that Regulation No. 7 otherwise imposes. The revision consists of the addition of paragraph C to section III, "General Requirements for Storage and Transfer of Volatile Organic Compounds," of Regulation No. 7.

(i) *Incorporation by reference.* (A) Colorado Air Quality Control Commission Regulation No. 7, 5 CCR 1001-9, section III, paragraph C, adopted by the Colorado Air Quality Control Commission on March 16, 1995, State effective May 30, 1995.

(84) The Governor of Colorado submitted the Denver PM₁₀ mobile source emissions budget State Implementation Plan (SIP) with a letter dated July 18, 1995. The Governor submitted the Denver NO_x mobile source emissions budget State Implementation Plan (SIP) with a letter dated April 22, 1996. The PM₁₀ and NO_x mobile source emissions budgets and other provisions in these SIP submittals are used to assess conformity of transportation plans, transportation improvement programs, and transportation projects.

(i) *Incorporation by reference.* (A) Colorado Air Quality Control Commission, "Ambient Air Quality Standards" regulation 5CCR 1001-14, Section A.1. Budgets for the Denver Nonattainment Area (Modeling Domain) PM₁₀, Sections A.2. and A.3., and Sections B and

C, adopted on February 16, 1995, effective April 30, 1995, as amended by the Colorado General Assembly through enactment of Colorado Senate Bill 95-110, which Bill was enacted on May 5, 1995 and signed by the Governor of Colorado on May 31, 1995. (See paragraph (c)(84)(i)(B) of this section).

(B) Colo. Rev. Stat. section 25-7-105(1)(a)(III), enacted by the Colorado General Assembly on May 5, 1995 as part of Colorado Senate Bill 95-110 and signed by the Governor of Colorado on May 31, 1995.

(C) Colorado Air Quality Control Commission "Ambient Air Quality Standards" regulation 5CCR 1001-14, Section A.1. Budgets for the Denver Nonattainment Area (Modeling Domain) Nitrogen Oxides, as adopted June 15, 1995, effective August 30, 1995.

(85) On September 16, 1997, the Governor of Colorado submitted revisions to Regulation No. 10 "Criteria for Analysis of Conformity" that incorporate the General Conformity requirements of 40 CFR part 51, Subpart W into State regulation.

(i) *Incorporation by reference.* (A) Regulation No. 10 "Criteria for Analysis of Conformity", 5 CCR 1001-12, as adopted on October 17, 1996, effective December 30, 1996.

(86) On October 1, 1998, the Governor of Colorado submitted revisions to Regulation No. 13 "Oxygenated Fuels Program" that shortened the effective time period of the oxygenated fuels program for Denver/Boulder, Colorado Springs, Fort Collins, and Longmont carbon monoxide nonattainment areas and also reduced the required oxygen content during certain periods.

(i) *Incorporation by reference.* (A) Regulation No. 13 "Oxygenated Fuels Program", 5 CCR 1001-16, as adopted on January 16, 1998, effective March 30, 1998.

(87) On September 16, 1997, the Governor of Colorado submitted revisions to Regulations No. 3 and 7 and the Common Provisions Regulation to update the State's list of negligibly reactive volatile organic compounds (VOCs) and to consolidate the list of negligibly reactive VOCs from Regulations No. 3 and 7 into the Common Provisions Regulation. The Governor also submitted revisions to Parts A and B of Regula-

tion No. 3 on September 16, 1997 to amend the definition of "applicable requirement" and to correct typographical errors. On August 19, 1998, the Governor submitted revisions to the Common Provisions Regulation to update its list of negligibly reactive VOCs. The Governor also submitted revisions to Regulation No. 7 to repeal the requirements for control of VOC emissions from dry cleaning facilities using perchloroethylene as a solvent.

(i) *Incorporation by reference.* (A) Common Provisions Regulation, 5 CCR 1001-2, Section I.G., definition of "negligibly reactive VOCs (NRVOCs)" and subsection h. of the definition of "net emissions increase," adopted 12/21/95, effective 3/1/96.

(B) Regulation No. 3, "Air Contaminant Emission Notices," 5 CCR 1001-5, adopted 12/21/95, effective 3/1/96, as follows: Part A, subsection h. of the definition of "net emissions increase" in Section I.B.37.; and Part B, Section IV.D.4.

(C) Regulation No. 7, "Emissions of Volatile Organic Compounds," 5 CCR 1001-9, Section II.B., adopted 12/21/95, effective 3/1/96.

(D) Regulation No. 3, "Air Contaminant Emission Notices," 5 CCR 1001-5, adopted 6/20/96, effective 8/30/96, as follows: Part A, definition of "applicable requirement" in Section I.B.9., definition of "major source (for the purposes of Part C—operating permits)" in Section I.B.59., and Section V.C.12; and Part B, Section III.D.2.

(E) Common Provisions Regulation, 5 CCR 1001-2, Section I.G., definition of "negligibly reactive VOCs (NRVOCs)" adopted 11/21/96, effective 1/30/97.

(F) Regulation No. 7, "Emissions of Volatile Organic Compounds," 5 CCR 1001-9, Section XII., adopted 11/21/96, effective 1/30/97.

(88) On April 26, 1996, the Governor of Colorado submitted revisions to Regulation No. 3 to allow a source to voluntarily request a permit to limit potential to emit and to require that such permits be subject to public participation.

(i) *Incorporation by reference.* (A) Regulation No. 3, "Air Contaminant Emissions Notices," 5 CCR 1001-5, revisions

adopted 5/18/95, effective 7/30/95, as follows: part B, sections III.A.4, III.A.7, and IV.C.4.

(89) On May 10, 2000, the Governor of Colorado submitted revisions to Regulation No. 13 “Oxygenated Fuels Program” that eliminated the Oxygenated Fuels Program for El Paso County and the Colorado Springs CO attainment/maintenance area.

(i) *Incorporation by reference.* (A) Regulation No. 13 “Oxygenated Fuels Program”, 5 CCR 1001–16, as adopted on February 17, 2000, effective April 30, 2000, as follows: Sections I.D.19, II.A, II.A.1, II.A.2, II.C.1.a, II.C.1.b., and II.C.1.c.

(90) On May 10, 2000, the State of Colorado submitted maintenance plans for the Telluride and Pagosa Springs PM₁₀ nonattainment areas and requested that these areas be redesignated to attainment for the PM₁₀ National Ambient Air Quality Standards. The redesignation requests and maintenance plans satisfy all applicable requirements of the Clean Air Act.

(i) *Incorporation by reference.* (A) Colorado Air Quality Control Commission, “State Implementation Plan Specific Regulations for Nonattainment—Attainment/Maintenance Areas (Local Elements),” 5 CCR 1001–20, revisions adopted 3/16/00, effective 5/30/00, as follows: Section I., Pagosa Springs Attainment/Maintenance Area and Section II., Telluride Attainment/Maintenance Area.

(ii) *Additional material.* (A) January 24, 2001 letter from Margie Perkins, Director, Colorado Air Pollution Control Division, to Richard Long, Director, EPA Region VIII Air and Radiation Program, clarifying the commitments of the Verification of Continued Attainment section of the Telluride and Pagosa Springs maintenance plans.

(91) On May 10, 2000, the Governor of Colorado submitted revisions to the Colorado State Implementation Plan consisting of: Revisions to Regulation 12 to remove the “Reduction of Diesel Vehicle Emissions” program from areas outside the Denver PM₁₀ nonattainment area, and Regulation 9 “Trip Reduction,” effective on January 30, 1979, is rescinded.

(i) *Incorporation by reference.* (A) Revisions to Colorado Air Quality Control

Commission Regulation No. 12, 5 CCR 1001–15, adopted by the Colorado Air Quality Control Commission on March 16, 2000, State effective May 30, 2000.

(92) On November 5, 1999, the Governor of Colorado submitted Regulation No. 10, Criteria for Analysis of Conformity, Part B—Conformity to State Implementation Plans of Transportation Plans, Programs and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act, that incorporates conformity consultation requirements implementing 40 CFR Part 93, Subpart A into State regulation.

(i) *Incorporation by reference.* (A) Regulation No. 10, Criteria for Analysis of Conformity, Part B—Conformity to State Implementation Plans of Transportation Plans, Programs and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act, 5 CCR 1001–12, as adopted October 15, 1998, effective November 30, 1998.

(93) On June 7, 2001, the Governor of Colorado submitted a revision to the long-term strategy portion of Colorado’s State Implementation Plan (SIP) for Class I Visibility Protection. The revision was made to incorporate into the SIP emissions reduction requirements for the Craig Station (a coal-fired steam generating plant located near the town of Craig, Colorado). This SIP revision is expected to remedy Craig Station’s contribution to visibility impairment in the Mt. Zirkel Wilderness Area.

(i) *Incorporation by reference.* (A) Revision of Colorado’s State Implementation Plan for Class I Visibility Protection: Craig Station Units 1 and 2 Requirements, Section III, effective on April 19, 2001.

(94) On August 8, 1996, the Governor of Colorado submitted revisions to Regulation No. 3, “Air Contaminant Emissions Notices,” that exempt gasoline stations located in ozone attainment areas from construction permit requirements, with the exception of those gasoline stations located in the Denver Metro ozone attainment maintenance area. The Governor also submitted revisions to Regulation No. 7, “Emissions of Volatile Organic Compounds,” that state the provisions of

Regulation No. 7 shall apply only to ozone nonattainment areas and the Denver Metro Attainment Maintenance Area with the exception of Section V, Paragraphs VI.B.1 and 2., and Subsection VII.C., which shall apply statewide.

(i) *Incorporation by reference.* (A) Part B, section III. D.1.f of Regulation No. 3 “Air Contaminant Emissions Notices”, 5 CCR 1001-5, as adopted on March 21, 1996, effective May 30, 1996.

(B) Section I.A.1 of Regulation No. 7 “Emissions of Volatile Organic Compounds”, 5 CCR 1001-9, as adopted on March 21, 1996, effective May 30, 1996.

(95) On July 30, 2001, the State of Colorado submitted a maintenance plan for the Denver PM₁₀ nonattainment area and requested that the area be redesignated to attainment for the PM₁₀ National Ambient Air Quality Standards. The maintenance plan deletes from the SIP Regulation No. 12, “Diesel Inspection/Maintenance Program” and permits for six stationary sources incorporated by reference in paragraphs (c)(91)(i)(A) and (c)(82)(i)(E) through (J), of this section respectively. In conjunction with the maintenance plan, Colorado revised previously approved regulations and requirements to control particulate matter (Regulation No. 1 and Regulation No. 16.) Among other changes, the revision to Regulation No. 1 includes the deletion of section VII.B of Regulation No. 1 from the SIP. Among other changes, the revision to Regulation No. 16 includes the deletion of sections III and IV of Regulation No. 16 from the SIP. The redesignation request, maintenance plan, and revisions to Regulations Nos. 1 and 16 satisfy all applicable requirements of the Clean Air Act.

(i) *Incorporation by reference.* (A) Section VII and VIII.A of Regulation No. 1, “Emission Control for Particulates, Smokes, Carbon Monoxide, & Sulfur Oxides,” 5 CCR 1001-3, as adopted August 16, 2001 and effective September 30, 2001. (See paragraph (c)(95)(ii)(I) of this section regarding clerical error in section VIII.A of Regulation No. 1.)

(B) Sections I and II, Regulation No. 16, “Street Sanding Emissions,” 5 CCR 1001-18, as adopted April 19, 2001, effective June 30, 2001.

(ii) *Additional material.* (A) Letter dated September 5, 2001 from Casey Shpall, Colorado Office of the Attorney General to Cindy Rosenberg, EPA Region 8, clarifying that public notice was given of the proposed changes and transmitting the appropriate documentation.

(B) Fax dated September 6, 2001 from Doug Lempke, Colorado Department of Public Health and Environment, to Cindy Rosenberg, EPA Region 8, submitting Colorado Attorney General’s opinion concerning revisions to Regulation No. 16.

(C) Letter dated September 10, 2001 from Kevin Briggs, Colorado Department of Public Health and Environment, to Kevin Golden, EPA Region 8, transmitting model input files for maintenance demonstration.

(D) Letter dated September 13, 2001 from Casey Shpall, Colorado Office of the Attorney General to Cindy Rosenberg, EPA Region 8, explaining that an error occurred in the publication of Colorado Regulation No. 1.

(E) Letter dated November 27, 2001 from Margie Perkins, Colorado Department of Public Health and Environment, to Richard Long, EPA Region 8, transmitting the justification for the revised street sweeping credits used in the PM₁₀ maintenance plan.

(F) Letter dated April 5, 2002 from Margie Perkins, Colorado Department of Public Health and Environment, to Richard Long, EPA Region 8, transmitting a supplement to the Technical Support Documentation correcting the emission rates used in the PM₁₀ maintenance plan for Conoco and Ultramar Diamond Shamrock.

(G) Complaint and Consent Decree in *United States v. Conoco Inc.*, entered by the United States District Court for the Southern District of Texas on April 29, 2002.

(H) July 31, 2002 memorandum from Cindy Rosenberg, EPA Region 8, to the Denver PM₁₀ Redesignation and Maintenance Plan Docket, regarding the August 16, 2001 version of Regulation No. 1, “Emission Control for Particulates, Smokes, Carbon Monoxide, & Sulfur Oxides.”

(I) Letter dated July 31, 2002 from Frank R. Johnson, Assistant Attorney General, Colorado Department of Law,

to Jonah Staller, EPA Region 8, explaining a clerical error in the version of Regulation No. 1 referenced in paragraph (c)(95)(i)(A) of this section, assuring the continued enforceability of section VIII.A of Regulation No. 1 regardless of the air quality classification of the Denver area, and indicating that the clerical error will be promptly remedied.

(96) On May 10, 2000, the Governor of Colorado submitted SIP revisions to Colorado's Regulation No. 11 "Motor Vehicle Emissions Inspection Program" that supersede and replace all earlier versions of the Regulation (except Appendices A and B of Regulation No. 11 as approved in paragraph (c)(80)) and make several changes to the motor vehicle inspection and maintenance requirements including the implementation of a remote sensing device (RSD) program for the Denver metropolitan area. On May 10, 2000, the Governor also submitted SIP revisions to Colorado's Regulation No. 13: "Oxygenated Fuels Program" that supersede and replace all earlier versions of the Regulation and modify the oxygenated fuel requirements for the Denver metropolitan area.

(i) *Incorporation by reference.* (A) Regulation No. 11 "Motor Vehicle Emissions Inspection Program", 5 CCR 1001–13, as adopted on January 10, 2000, effective March 1, 2000, as follows: Part A, Part B, Part C, Part D, Part E, and Part F.

(B) Regulation No. 13 "Oxygenated Fuels Program", 5 CCR 1001–16, as adopted on January 10, 2000, effective March 1, 2000, as follows: Sections I.A., I.B., I.C., I.D., I.E., II.A., II.B., II.C., II.D., II.E., II.F., II.G., and II.H.

(97) On November 9, 2001, the State of Colorado submitted a maintenance plan for the Aspen PM₁₀ nonattainment area and requested that this area be redesignated to attainment for the PM₁₀ National Ambient Air Quality Standards. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

(i) *Incorporation by reference.* (A) Colorado Air Pollution Control Division, "State Implementation Plan—Specific Regulations for Nonattainment—Attainment/Maintenance Areas (Local Areas)," 5 CCR 1001–20, revisions adopt-

ed January 11, 2001, effective February 28, 2001 as follows: Section III, which is titled "Aspen/Pitkin County PM₁₀ Attainment/Maintenance Area," and which supersedes and replaces all prior versions of Section III.

(98) On November 5, 1999 the Governor of Colorado submitted a revision to Regulation No. 1, "Emission Control for Particulates, Smokes, Carbon Monoxide and Sulfur Dioxide." The November 5, 1999 submittal exempts military training exercises at the United States Army Installation Fort Carson and United States Army Pinon Canon Maneuver Site (PCMS) from opacity limits. A new subsection D to Regulation No. 1, section II, has been approved into the SIP.

(i) *Incorporation by reference.* (A) Colorado Regulation No. 1, section II, subsection D effective September 30, 1998.

(99) On August 9, 2002, the Governor of Colorado submitted SIP revisions to Colorado's Regulation No. 11 "Motor Vehicle Emissions Inspection Program" that eliminate the requirement in the SIP for the implementation of a motor vehicle inspection and maintenance program in Larimer County (which includes the Fort Collins area) after January 1, 2004. On August 9, 2002, the Governor also submitted SIP revisions to Colorado's Regulation No. 13 "Oxygenated Fuels Program" that eliminate the oxygenated fuel requirements for Larimer County (which includes the Fort Collins area) after January 1, 2004, and make changes to sections I.D., II.A., II.B., II.C., II.D., II.E., II.F., II.G., and II.H. On August 9, 2002, the Governor also submitted SIP revisions to Colorado's State Implementation Plan Specific Regulations for Nonattainment and Attainment/Maintenance Areas (Local Elements) that eliminate Clean Air Act section 172(c)(9) carbon monoxide contingency measures for the Fort Collins area. We originally approved these contingency measures on December 23, 1997, and our approval was codified in paragraph (c)(71) of this section.

(i) *Incorporation by reference.* (A) Regulation No. 11 "Motor Vehicle Emissions Inspection Program", 5 CCR 1001–13, Part A.I, as adopted on July 18, 2002, and effective September 30, 2002.

(B) Regulation No. 13 “Oxygenated Fuels Program”, 5 CCR 1001–16, except for section III, the last sentence in Section II.C.1.c.v., “This Section II.C.1.c.v. is repealed effective February 1, 2019 and is replaced by the requirements in Section II.C.1.c.vi. below beginning November 1, 2019,” and Section II.C.1.c.vi., as adopted on July 18, 2002, effective September 30, 2002, which supersedes and replaces all prior versions of Regulation No. 13.

(100) EPA is approving a SIP revision submitted by the Governor of Colorado on July 31, 2002, concerning the use of credible evidence for determining compliance and establishing violations. The July 31, 2002 submittal revises Colorado Air Quality Control Commission (AQCC) Common Provisions Regulation by adding Section II.I, Compliance Certifications. Section II.I of Colorado AQCC Common Provisions Regulation is approved into the SIP.

(i) *Incorporation by reference.* (A) Colorado Air Quality Control Commission Common Provisions Regulation, Section II.I, effective September 30, 2001.

(101) On July 31, 2002, the State of Colorado submitted a maintenance plan for the Steamboat Springs PM₁₀ nonattainment area and requested that this area be redesignated to attainment for the PM₁₀ National Ambient Air Quality Standards. The redesignation request and maintenance plan satisfies all applicable requirements of the Clean Air Act.

(i) *Incorporation by reference.* (A) Colorado Air Quality Control Commission, “State Implementation Plan—Specific Regulations for Nonattainment—Attainment/Maintenance Areas (Local Elements),” 5 CCR 1001–20, revisions adopted November 15, 2001, effective December 30, 2001 as follows: Section VIII., titled “Steamboat Springs PM₁₀ Attainment/Maintenance Area” and supersedes and replaces all prior versions of Section VIII.

(102) [Reserved]

(103) On April 12, 2004, the Governor of Colorado submitted revisions to Regulation No. 11 “Motor Vehicle Emissions Inspection Program” that eliminated the Federal applicability of the Basic I/M program for El Paso County and the Colorado Springs CO attainment/maintenance area.

(i) *Incorporation by reference.* (A) Regulation No. 11 “Motor Vehicle Emissions Inspection Program”, 5 CCR 1001–13, as adopted on December 18, 2003, effective March 1, 2004, as follows: Part A.I., “Applicability,” final sentence of paragraph 2.

(104) On June 20, 2003, the Governor of Colorado submitted SIP revisions to Colorado’s Regulation No. 11 “Motor Vehicle Emissions Inspection Program” that eliminate the requirement in the SIP to implement a motor vehicle inspection and maintenance program in Weld County (which includes the Greeley area) after January 1, 2004. On June 20, 2003, the Governor also submitted SIP revisions to Colorado’s Regulation No. 13 “Oxygenated Fuels Program” that eliminate the oxygenated fuel requirements for Weld County (which includes the Greeley area) after January 1, 2004.

(i) *Incorporation by reference.* (A) Regulation No. 11 “Motor Vehicle Emissions Inspection Program”, 5 CCR 1001–13, Part A.I, second sentence that reads, “The provisions of this regulation applicable to Larimer and Weld counties shall not be included in the state implementation plan after January 1, 2004.”, as adopted on December 19, 2002, and effective March 2, 2003.

(B) Regulation No. 13 “Reduction of Carbon Monoxide Emissions from Gasoline Powered Motor Vehicles through the use of Oxygenated Gasolines,” 5 CCR 1001–16, Part I.D.15, Part II.A, Part II.C, as adopted on December 19, 2002, and effective March 2, 2003.

(105) Revisions to the Long-Term Strategy of Colorado’s State Implementation Plan for Class I Visibility Protection (Visibility SIP), as submitted by the Governor on April 12, 2004. The revisions update strategies, activities, and plans that constitute reasonable progress toward the National visibility goal.

(i) *Incorporation by reference.* (A) “Revision of the Long-Term Strategy,” (Part II of the January 31, 2002 document entitled “Long-Term Strategy Review and Revision of Colorado’s State Implementation Plan for Class I Visibility Protection,”) effective on February 21, 2002.

(106) On July 31, 2002, the State of Colorado submitted a maintenance

plan for the Lamar PM₁₀ nonattainment area and requested that this area be redesignated to attainment for the PM₁₀ National Ambient Air Quality Standards. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

(i) *Incorporation by reference.* (A) Colorado Air Quality Control Commission, “State Implementation Plan—Specific Regulations for Nonattainment—Attainment/Maintenance Areas (Local Elements),” 5 CCR 1001–20, revisions adopted November 15, 2001, effective December 30, 2001 as follows: Section IV, titled “Lamar Attainment/Maintenance Area,” and which supersedes and replaces all prior versions of Section IV.

(ii) *Additional material.* (A) Colorado Department of Public Health and Environment, “Natural Events Action Plan for High Wind Events, Lamar, Colorado,” submitted to EPA on February 9, 1998 and subsequently approved by EPA, June 5, 1998 and Lamar’s revised 2003 “Natural Events Action Plan for High Wind Events, Lamar, Colorado,” submitted to EPA on April 16, 2003 and subsequently approved by EPA, February 9, 2004.

(107) On July 21, 2004, the Governor submitted revisions to the Colorado State Implementation Plan for Colorado’s Common Provisions Regulation that contained a definition for condensate. On July 21, 2004, and on March 24, 2005, the Governor also submitted revisions to the Colorado State Implementation Plan for Colorado’s Regulation No. 7 “Emissions of Volatile Organic Compounds” that made several changes and additions to sections I.A., I.B., II.A and added new sections XII and XVI. The March 24, 2005 version of Regulation No. 7 superceded and replaced portions of the July 21, 2004 version of Regulation No. 7. On June 20, 2003, April 12 2004, and July 21, 2004, the Governor of Colorado submitted revisions to the Colorado State Implementation Plan for Colorado’s Regulation No. 11 “Motor Vehicle Emissions Inspection Program.”

(i) *Incorporation by reference.* (A) Common Provisions Regulation, 5 CCR 1001–2, as adopted on March 12, 2004, ef-

fective on May 30, 2004, as follows: Section I.G, definition of “Condensate.”

(B) Regulation No. 7 “Emissions of Volatile Organic Compounds,” 5 CCR 1001–9, as adopted on March 12, 2004, effective on May 31, 2004, as follows: Sections I.A.1, I.A.1.a, I.A.1.b, I.A.1.c, I.B.1.b, and I.B.2.f. As adopted on December 16, 2004, effective March 2, 2005, as follows: Sections I.A.2, II.A.16, II.A.17, XII, and XVI.

(C) Regulation No. 11 “Motor Vehicle Emissions Inspection Program,” 5 CCR 1001–13, with changes most recently adopted on March 12, 2004, effective May 31, 2004, as follows: Part A, Part B, Part C, Part D, Part E, Part F, and Appendices A and B, except for the following sentence in Part A.I, which is being acted on separately: “The provisions of this regulation applicable to Larimer and Weld counties shall not be included in the state implementation plan after January 1, 2004.” On August 8, 2006, Colorado submitted revisions to Colorado’s Regulation Number 11—Motor Vehicle Emissions Inspection Program, part F, section III.A.2, that EPA approved and that superseded the version of section III.A.2 that EPA incorporated by reference in this paragraph. See § 52.329(f).

(ii) *Additional material.* (A) March 22, 2005, letter from Margie Perkins, Director, Air Pollution Control Division, Colorado Department of Public Health and Environment, to Richard Long, Director, Air and Radiation Program, EPA Region VIII. This letter contained commitments from the State to adhere to and address the continuing planning process requirements contained in the “Maintenance for Growth” provisions of EPA’s “Protocol for Early Action Compacts Designed to Achieve and Maintain the 8-Hour Ozone Standards.”

(108) Revisions to the Long-Term Strategy of Colorado’s State Implementation Plan for Class I Visibility Protection (Visibility SIP), as submitted by the Governor on March 24, 2005. The revisions update strategies, activities, and monitoring plans that constitute reasonable progress toward the National visibility goal.

(i) *Incorporation by reference.* (A) “Revision of the Long-Term Strategy,”

Part II of the November 18, 2004 document entitled “Long-Term Strategy Review and Revision of Colorado’s State Implementation Plan for Class I Visibility Protection,” effective November 18, 2004.

(B) Colorado Air Quality Control Commission Regulation No. 3, “Stationary Source Permitting and Air Pollutant Emission Notice Requirements,” 5 CCR 1001-5, Part D, Section XIV, Visibility, Subsections A through F, effective April 16, 2004.

(C) Colorado Air Quality Control Commission, Regulation Number 3, 5 CCR 1001-5, *Stationary Source Permitting and Air Pollutant Emission Notice Requirements*, Part D, *Concerning Major Stationary Source New Source Review and Prevention of Significant Deterioration*, Section XIV.F, *Long Term Strategy*, subsection XIV.F.1. introductory text and XIV.F.1.c; adopted January 7, 2011; effective February 14, 2011.

(109) A revision to the State Implementation Plan was submitted by the State of Colorado on July 31, 2002. The submittal revises the Common Provisions regulation by adding affirmative defense provisions for source owners and operators for excess emissions during periods of startup and shutdown.

(i) Incorporation by reference.

(A) Common Provisions Regulation, 5 CCR 1001-2, sections II.J.1 through II.J.4, adopted August 16, 2001, effective September 30, 2001.

(110) A Revision to the State Implementation Plan was submitted by the State of Colorado on April 12, 2004. The revision corrects a clerical error in Section VIII.A of Regulation No. 1.

(i) Incorporation by reference.

(A) Colorado Regulation No. 1, 5CCR 1001-3, Section VIII.A, adopted June 19, 2003, effective August 31, 2003.

(111) On August 8, 2006, the Governor of Colorado submitted SIP revisions to Colorado’s Regulation No. 11 “Motor Vehicle Emissions Inspection Program” that repeals the basic vehicle emissions inspection program in the Fort Collins and Greeley areas.

(i) Incorporation by reference.

(A) Regulation No. 11 “Motor Vehicle Emissions Inspection Program,” 5CCR1001-13, Part A.1 and Part A.IV, as adopted on November 17, 2005, and effective January 30, 2006.

(112) On August 3, 2007, the Governor of Colorado submitted revisions to the Colorado’s Regulation No. 7 “Emissions of Volatile Organic Compounds” that made several changes and additions to Section XII, “Volatile Organic Compound Emissions From Oil and Gas Operations.”

(i) Incorporation by reference.

(A) Regulation No. 7 “Emissions of Volatile Organic Compounds,” 5 CCR 1001-9, Section XII, “Volatile Organic Compound Emissions From Oil and Gas Operations,” effective on March 4, 2007.

(113) On August 1, 2007, the State of Colorado submitted revisions to Colorado’s Common Provisions Regulation, 5 CCR 1001-2, that made changes and additions to Section I, “Definitions, Statement of Intent, and General Provisions Applicable to All Emission Control Regulations Adopted by the Colorado Air Quality Control Commission,” and Section II, “General.”

(i) Incorporation by reference.

(A) Common Provisions Regulation, 5 CCR 1001-2, Section I.G, “Definitions,” effective on March 4, 2007.

(1) The submittal revises Section I.G by removing the definition of “upset conditions” and replacing it with the definition of “malfunction.”

(B) Common Provisions Regulation, 5 CCR 1001-2, Section II.E, “Affirmative Defense Provision for Excess Emissions During Malfunctions,” effective on March 4, 2007.

(2) The submittal revises Section II.E by removing language which provided an exemption for excess emissions during upset conditions and breakdowns and replacing it with an affirmative defense provision for source owners and operators for excess emissions during malfunctions.

(114) [Reserved]

(115) On July 31, 2003, the State of Colorado submitted revisions to Colorado’s 5 CCR 1001-3, Regulation 1, that deleted Sections II.A.6, A.7, A.9 and C.3, regarding, respectively, alfalfa dehydrating plant drum dryers, wigwam burners, the static firing of Pershing missiles and a notice regarding waste materials. The State also deleted emission limitations for alfalfa plant drum dryers by removing Section III.C.2. Colorado’s deletion of Sections II. A6, A.7 and A.9 and Section III.C.2 will

cause a numbering change of subsequent paragraphs within Sections II.A and III.C. EPA is adopting the new numbering scheme for sections II.A. and III.C. Section II.C.2.d. regarding agricultural open burning is modified to include the burning of diseased animal carcasses to prevent a public health emergency. Section III.A.1.d is modified for incorporation of new State's method for calculating emissions from multiple fuel burning units ducted to a common stack. Section V is added regarding emission standards for electric arc furnaces, except for the director's discretion provision provided for in Section V.A.2. Sections VI.A.3.e, VI.A.3.f, VI.B.4.e, and VI.B.4.g(ii) are modified regarding the methods used for the averaging of emissions over a 24 hour period.

(i) Incorporation by reference.

(A) 5 CCR 1001–3, Regulation 1, Emission Control for Particulates, Smokes, Carbon Monoxide and Sulfur Oxides, Section II, Smoke and Opacity, Section II.C.2.d, effective March 2, 2002.

(B) 5 CCR 1001–3, Regulation 1, Emission Control for Particulates, Smokes, Carbon Monoxide and Sulfur Oxides, Section III, Particulate Matter, Fuel Burning Equipment, Section III.A.1.d, effective September 30, 2001.

(C) 5 CCR 1001–3, Regulation 1, Emission Control for Particulates, Smokes, Carbon Monoxide and Sulfur Oxides, Section V, Emission Standard for Existing Iron and Steel Plant Operations, effective September 30, 2001.

(1) The submittal contains Section V.A.2 with the language:

“Emissions from gas-cleaning device shall not exceed a mass emission rate of 0.00520 gr/dscf of filterable particulates maximum two-hour average, as measured by EPA Methods 1–4 and the front half of Method 5 (40 CFR 60.275, and Appendix A, Part 60), or by other credible method approved by the Division. This particulate emissions standard does not include condensable emissions, or the back half emissions of Method 5”. The language “or by other credible method approved by the Division” is disapproved. The language “Appendix A, Part 60” is changed to “appendices A1 through A3, Part 60” in order to comply with the current nomenclature of Part 60.

(D) 5 CCR 1001–3, Regulation 1, Emission Control for Particulates, Smokes, Carbon Monoxide and Sulfur Oxides, Section VI, Sulfur Dioxide Emission Regulations, Sections VI.A.3.e, VI.A.3.f, VI.B.4.e, and VI.B.4.g(ii), effective September 30, 2001.

(1) Sections VI.B.4.e and VI.B.4.g(ii) list an emission rate of 0.7 lbs. sulfur dioxide, for the sum of all SO₂ emissions from a given refinery per barrel of oil processed, per day. This emission rate is disapproved. The emission rate remains unchanged at 0.3 lbs. All remaining language within Sections VI.B.4.e and VI.B.4.g(ii) is approved.

(116) On June 20, 2003, the State of Colorado submitted revisions to Colorado's Regulation 3 Regulation, 5 CCR 1001–5, that place restrictions on increment consumption, add innovative control technology as an alternative to BACT requirements, and changed or deleted numerous definitions in Part A. The State in Part B revised construction permit review requirements regarding RACT for minor sources in attainment/maintenance areas. The State made the restrictions on maximum allowable increases of sulfur dioxide concentrations over baseline concentrations in Class I areas also applicable to certain Class II areas, such as certain National Monuments that are not Class I areas. Increment consumption restrictions were added to limit major stationary sources from consuming more than 75 percent of an applicable increment. The State added the use of innovative control technology by a source in lieu of BACT requirements in order to encourage the use of such technology. The revisions to both Parts A and B also included minor changes designed to fix ambiguous language, to make the definitions more readable or to delete obsolete or duplicative definitions. On April 12, 2004, the State of Colorado submitted a minor revision to Part A, Section I.A regarding the availability of material incorporated by reference.

(i) Incorporation by reference.

(A) Regulation 3, 5 CCR 1001–5, AIR CONTAMINANT EMISSIONS NOTICES, Part A, Concerning General Provisions Applicable to Construction

Permits and Operating Permits, effective December 2002 and April 2003 with the following exceptions:

(1) Section I.B.36.b.(iii)(G) provisions related to Pollution Control Projects

(2) Section I.B.40.c.(ii) Submittal of an application for a nonroad engine permit, State-only requirement

(3) Section IV. C., Emissions Trading under Permit Caps

(4) Section V.F.5, Criteria for Approval of all Transactions, deleting the requirement that trading transactions may not be used inconsistently with or to circumvent requirements of LAER

(B) Regulation 3, 5 CCR 1001-5, AIR CONTAMINANT EMISSIONS NOTICES, Part B, Concerning Construction Permits including Regulations for the Prevention of Significant Deterioration (PSD), Area Classifications, Part B, Section V.B., effective December 2002 with the following exceptions:

(1) Section III.D.1.c.(iii), Exemption from Construction Permit Requirements, Uncontrolled Emissions

(2) Section IV.B.2, Application for a Construction Permit, and Section IV.H.8, Application for a Final Permit, regarding operating and maintenance plans and recordkeeping formats.

(117) On June 18, 2009, the State of Colorado submitted an 8-Hour Ozone Attainment Plan for the Denver Metro Area/North Front Range area to meet the requirements of 40 CFR 81.300(e)(3)(ii)(D) for the 1997 8-hour ozone NAAQS. On the same date, the State of Colorado also submitted revisions to portions of Part A, "Concerning General Provisions Applicable to Reporting and Permitting," and Part B, "Concerning Construction Permits," of Colorado's Regulation No. 3, "Air Contaminant Emissions Notices," and to Sections I through XVI of Colorado's Regulation No. 7, "Control of Ozone Via Ozone Precursors (Emissions of Volatile Organic Compounds and Nitrogen Oxides)." EPA is approving the Ozone Attainment Plan except for the last paragraph on page IV-1 and the first paragraph on page IV-2, the words "federally enforceable" in the second to last paragraph on page V-6, and the reference to Attachment A in the Table of Contents and on page IV-3. EPA is disapproving the excepted language from the Ozone Attainment Plan. EPA

is approving the revisions to portions of Parts A and B of Colorado's Regulation No. 3. For purposes of this action, Colorado Regulation No. 3, Part B, Sections II.D.1.k, l, m, and n, as incorporated below, should be considered an addition to and as immediately following Colorado Regulation Number 3, Part B, Sections III.D.1.a through j, as previously approved by EPA. EPA is approving the revisions to Sections I through XI and XIII through XVI of Colorado's Regulation No. 7, except for Colorado's repeal of section II.D. EPA is disapproving Colorado's repeal of Section II.D and Colorado's revisions to Section XII of Regulation No. 7. EPA is not acting on the provisions in Regulation No. 7 that are designated "State Only."

(i) *Incorporation by reference.*

(A) 5 CCR 1001-5, Colorado Regulation No. 3, "Air Contaminant Emissions Notices," Part A, "Concerning General Provisions Applicable to Reporting and Permitting," Sections II.D.1.m, II.D.1.ee, II.D.1.uu, II.D.1.ccc, II.D.1.ddd, II.D.1.uuu, and II.D.1.eeee, effective January 30, 2009.

(B) 5 CCR 1001-5, Colorado Regulation No. 3, "Air Contaminant Emissions Notices," Part B, "Concerning Construction Permits," Sections II.D.1.k, l, m, and n, effective January 30, 2009.

(C) Letter dated November 18, 2009 from the Office of the Colorado Attorney General, signed by Jerry Goad, to Candy Herring, Office of the Colorado Secretary of State, regarding clerical errors in Regulation No. 7, and those portions of 5 CCR 1001-9, Colorado Regulation No. 7, "Control of Ozone Via Ozone Precursors (Emissions of Volatile Organic Compounds and Nitrogen Oxides)," Section II.C.1 that accompanied such letter, except for the following: the parenthetical phrase "(State Only: Located in any Ozone Nonattainment Area or Attainment Maintenance Area)" at II.C.1; Section II.C.1.a.(v); Section II.C.1.c; and Section II.C.1.d.

(D) 5 CCR 1001-9, Colorado Regulation No. 7, "Control of Ozone Via Ozone Precursors (Emissions of Volatile Organic Compounds and Nitrogen Oxides)," Sections I through XI and XIII through XVI, effective January 30, 2009, except

for the following: Section I.A.1.b; Section I.B.1.b; Section I.B.2.b; Section I.B.2.d; Section II.A.12; Section II.C.1; and the repeal of Section II.D.

(118) On June 20, 2003, the State of Colorado submitted revisions to Colorado's Common Provisions Regulation, 5 CCR 1001–2, that revised the definitions of continuous monitoring system, emergency power generator, enforceable, federally enforceable, manufacturing process or process equipment, and volatile organic compounds. Deleted definitions included but were not limited to actual emissions, Best Available Control Technology (BACT), Lowest Achievable Emission Rate (LAER), and what conditions determine the modification of a source. These definitions were deleted in the Common Provisions because they appear in Colorado's Regulation 3. The State clarified that fuel burning equipment emissions are considered a part of the manufacturing process emissions when the emissions are vented through a common stack.

However, fuel burning equipment emissions vented from a separate stack are subject to regulations unique to fuel burning equipment. In addition, the State deleted and reserved Section III of the Common Provisions regarding smoking gasoline powered motor vehicles. The provisions regarding smoking gasoline powered motor vehicles were considered by the State to be obsolete. The revisions to the Common Provisions also included minor changes designed to fix ambiguous language, to make the definitions more readable or to delete obsolete or duplicative definitions.

(i) Incorporation by reference.

(A) 5 CCR 1001–2, COMMON PROVISIONS REGULATION, Section 1., Definitions, Statement of Intent, and General Provisions Applicable to all Emission Control Regulations Adopted by the Colorado Air Quality Control Commission, except I.G, the definitions for “Construction” and “Day”; Section II, General, except II.E, II.I, and II.J; effective on September 30, 2002.

(119) The State of Colorado submitted revisions on September 16, 1997, June 20, 2003, July 11, 2005, August 8, 2006 and August 1, 2007 to Colorado's 5 CCR 1001–5 Regulation Number 3, Part A, Section

II. The August 1, 2007 submittal included a renumbering of sections in II.B and II.D. The incorporation by reference in (c)(119)(i)(A) reflects the renumbered provisions as of the August 1, 2007 submittal. Additionally, the State of Colorado deleted sections II.B.7., II.B.8., II.B.9., II.B.10., and II.D.7. without replacement. The deletion of these provisions has been incorporated by reference at (c)(72)(i)(F) of this section, the paragraph containing the original incorporation by reference of the provisions.

(i) Incorporation by reference.

(A) 5 CCR 1001–5, Regulation 3, *Stationary Source Permitting and Air Pollutant Emission Notice Requirements*, Part A, *Concerning General Provisions Applicable to Reporting and Permitting*, Section II, *Air Pollutant Emission Notice (APEN) Requirements*, Sections II.A, *Air Pollutant Emission Notices for New, Modified, and Existing Sources*; II. B, *General*; II.B.1, *Emission Estimate*; II.B.1.b, *Other engineering calculations*; II.B.2, *Air Pollutant Emission Notice Term*; II.B.3, *APEN Applicability*; II.B.3.a, *Criteria Pollutants*; II.B.4.a; II.B.4.b; II.B.4.c; II.B.4.d; II.B.4.e; II.B.4.f; the undesignated text immediately following II.B.4.f and preceding II.B.5; II.B.5; II.B.6; II.C, *Revised Air Pollutant Emission Notices*; II.C.1; II.C.1.a; II.C.1.h; II.C.2; II.C.2.b; II.C.3; II.D, *Exemptions from Air Pollutant Emission Notice Requirements*; II.D.1; the undesignated text immediately following II.D.1 and preceding II.D.1.a; II.D.1.a; II.D.1.f; II.D.1.g; II.D.1.h; II.D.1.i (excluding subprovisions); II.D.1.j; II.D.1.k; II.D.1.n; II.D.1.x; II.D.1.y; II.D.1.aa; II.D.1.bb; II.D.1.kk; II.D.1.nn; II.D.1.oo; II.D.1.aaa; II.D.1.bbb; II.D.1.ccc; II.D.1.fff; II.D.1.ggg; II.D.1.lll; the undesignated text immediately following II.D.1.lll and preceding II.D.1.mmm; II.D.1.nnn.; II.D.1.ooo; II.D.1.ppp; II.D.1.qqq; II.D.1.rrr; II.D.1.vvv; II.D.1.www; II.D.1.yyy; II.D.1.zzz; II.D.1.aaaa; II.D.1.bbbb; II.D.1.cccc; II.D.1.dddd; II.D.2; II.D.3; II.D.4; II.D.5; II.D.6; effective October 30, 2006.

(120) The State of Colorado submitted revisions on October 25, 2005 and August 1, 2007 to Colorado's 5 CCR 1001–5 Regulation Number 3, Part D. The October 25, 2005 submittal included a renumbering of Regulation Number 3.

The incorporation by reference in paragraph (c)(120)(i)(A) on this section reflects the renumbered sections as of the October 25, 2005 submittal. Sections were removed from Part D between the October 25, 2005 and August 1, 2007 submittal. The incorporation by reference in paragraph (c)(120)(i)(B) of this section reflects the numbering of the sections as of the August 1, 2007 submittal.

(i) Incorporation by reference.

(A) 5 CCR 1001-5, Regulation 3, *Stationary Source Permitting and Air Pollutant Emission Notice Requirements*, Part D, *Concerning Major Stationary Source New Source Review and Prevention of Significant Deterioration*, adopted April 16, 2004 and effective June 30, 2004:

(1) Section I, *Applicability*, Sections I.A., *General Applicability*; I.A.1;

(2) Section II, *Definitions*,

(i) II.A;

(ii) II.A.1, *Actual Emissions*; II.A.1.a (only the language that appears in plain or underlined text and not the language that appears as italicized text); II.A.1.b; II.A.1.c; II.A.1.e;

(iii) II.A.3, *Air Quality Related Value*;

(iv) II.A.5, *Baseline Area*;

(v) II.A.6, *Baseline Concentration*;

(vi) II.A.8, *Best Available Control Technology (BACT)* (the language that appears in plain or underlined text but not language that appears as italicized text, with the following exception—EPA is incorporating italicized text and is not incorporating underlined text when the combined effect of that action is to replace the phrase “air pollutant regulated under the Federal Act” (or an equivalent phrase) with the term “regulated NSR pollutant”);

(vii) II.A.12, *Complete*;

(viii) II.A.16, *Federal Land Manager (FLM)*;

(ix) II.A.19, *Innovative Control Technology*;

(x) II.A.21, *Lowest Achievable Emission Rate (LAER)*; II.A.21.a; II.A.21.b (only the language that appears in plain or underlined text and not the language that appears as italicized text);

(xi) II.A.23, *Major Modification* (the language that appears in plain or underlined text but not language that appears as italicized text, with the following exception—EPA is incorporating italicized text and is not incorporating underlined text when the

combined effect of that action is to replace the phrase “air pollutant regulated under the Federal Act” (or an equivalent phrase) with the term “regulated NSR pollutant”); II.A.23.b; II.A.23.c; II.A.23.d; II.A.23.d(i); II.A.23.d(ii); II.A.23.d(iv); II.A.23.d(v); II.A.23.d(vi); II.A.23.d(vii); II.A.23.d(ix); II.A.23.f;

(xii) II.A.24, *Major Source Baseline Date*;

(xiii) II.A.25, *Major Stationary Source*; II.A.25.a; II.A.25.c; II.A.25.e; II.A.25.f;

(xiv) II.A.26, *Minor Source Baseline Date*;

(xv) II.A.27, *Net Emissions Increase*; II.A.27.a; (the language that appears in plain or underlined text and the addition of the italicized phrase “With respect to any regulated NSR pollutant emitted by any major stationary source”); II.A.27.a(i) (only the language that appears in plain or underlined text and not the language that appears as italicized text); II.A.27.a(ii) (only the language that appears in plain or underlined text and not the language that appears as italicized text); II.A.27.b (only the language that appears in plain or underlined text and not the language that appears as italicized text); II.A.27.c; II.A.27.c(i); II.A.27.c(ii); II.A.27.c(iii); II.A.27.d; II.A.27.e; II.A.27.f; II.A.27.g; II.A.27.g(i); II.A.27.g(ii); II.A.27.g(iii) (only the language that appears in plain or underlined text and not the language that appears as italicized text); II.A.27.g(iv); II.A.27.h; II.A.27.j; II.A.27.k, *Creditable Decreases for Fuel Switching*;

(xvi) II.A.40, *Regulated NSR Pollutant*; II.A.40.a; II.A.40.b; II.A.40.d; II.A.40.e;

(xvii) II.A.43, *Secondary Emissions* (only the language that appears in plain or underlined text and not the language that appears as italicized text);

(xviii) II.A.44, *Significant*; II.A.44.b; II.A.44.c;

(xix) II.A.45, *Significant Emissions Increase*;

(3) Section III, *Permit Review Procedures*;

(4) Section IV, *Public Comment Requirements*;

(5) Section V, *Requirements Applicable to Nonattainment Areas*, Sections V.A, *Major Stationary Sources*; V.A.1; V.A.2;

V.A.3; V.A.3.d; V.A.4; V.A.5; V.A.6; V.A.7, *Applicability of Certain Nonattainment Area Requirements*; V.A.7.a; V.A.7.b; V.A.8, *Exemptions from certain nonattainment area requirements*;

(6) Section VI, *Requirements applicable to attainment and unclassifiable areas and pollutants implemented under section 110 of the Federal Act (Prevention of Significant Deterioration Program)*, Sections VI.A, *Major Stationary Sources and Major Modifications*; VI.A.1, *Control Technology Review*; VI.A.1.a; VI.A.1.b; VI.A.1.c (only the language that appears in plain or underlined text and not the language that appears as italicized text); VI.A.2, *Source Impact Analysis*; VI.A.3, *Pre-construction Monitoring and Analysis*; VI.A.4, *Post-Construction Monitoring*; VI.A.5, *Operation of Monitoring Stations*; VI.A.6, *Additional Impact Analysis* (only the language that appears in plain or underlined text and not the language that appears as italicized text); VI.B, *Applicability of Certain PSD Requirements*; VI.B.1 through VI.B.4; VI.B.7; VI.C, *Notice to the U.S. EPA*; VI.D, *Major Stationary Sources in attainment areas affecting nonattainment areas*;

(7) Section VII, *Negligibly Reactive Volatile Organic Compounds (NRVOCs)*;

(8) Section VIII, *Area Classifications*, Sections VIII.A; VIII.C; VIII.D;

(9) Section IX, *Redesignation*;

(10) Section X, *Air Quality Limitations*, Sections X.A, *Ambient Air Increments*; X.A.1, X.A.2; X.A.3; X.A.4, *Periodic Review*;

(11) Section XI, *Exclusions From Incremental Consumption*;

(12) Section XII, *Innovative Control Technology*;

(13) Section XIII, *Federal Class I Areas*; adopted April 16, 2004 and effective June 30, 2004.

(B) Regulation 3, *Stationary Source Permitting and Air Pollutant Emission Notice Requirements*, Part D, *Concerning Major Stationary Source New Source Review and Prevention of Significant Deterioration*, Section II, *Definitions*; Sections II.A; II.A.22.a; II.A.24.d; II.A.38.c; II.A.42.a; adopted August 17, 2006 and effective October 30, 2006.

(121) On August 8, 2006, the State of Colorado submitted revisions to Colorado's 5 CCR 1001–3, Regulation 1, that allows for the use of obscurants during

military exercises at the Fort Carson Military Base and Pinón Canyon Maneuver Site in Colorado while precautionary steps are taken during the exercise to maintain air quality. The State modified the equipment requirements and work practices (abatement and control measures) in Regulation 1 intended to control the emissions of particulates, smokes and SO₂ from new and existing stationary sources. Consistent with its use of the term elsewhere, the State added the attainment/maintenance nomenclature. The revision also provides a new numbering scheme for each section of the regulation.

The State adopted EPA test method 9 (part 60 of this title, Appendix A–4) as it is applied to Standards of Performance for Steel Plants (§60.275a of this title). The State revised manufacturing process emission rates, to clarify that the applicability of the section is to process equipment with a design rate of 30 tons per hour or less. The averaging time for emission standards of all existing sources of SO₂ shall be a three hour rolling average. New sources of SO₂ not specifically regulated within Regulation 1 are limited to two tons per day and are subject to BACT.

(i) Incorporation by reference.

(A) 5 CCR 1001–3, Regulation 1, *Emission Control for Particulate Matter, Smoke, Carbon Monoxide, and Sulfur Oxides*, Section I., *Applicability: Referenced Federal Regulations*; Section II., *Smoke and Opacity*; Section III., *Particulate Matter* (except Subsection III.A.1.d.); Section IV., *Continuous Emission Monitoring Requirements for New or Existing Sources*; Section V., *Emission Standards for Existing Iron and Steel Plant Operations*; Section VI., *Sulfur Dioxide Emission Regulations*; Section VII., *Emission Regulations for Certain Electric Generating Stations Owned and Operated by the Public Service Company of Colorado*; Section VIII., *Restrictions On The Use of Oil as a Backup Fuel*; effective October 2, 2005.

(122) The State of Colorado submitted revisions October 25, 2005 to Colorado's 5 CCR 1001–5 Regulation Number 3, Part A and Colorado's 5 CCR 1001–5

Regulation Number 3, Part D. The October 25, 2005 submittal included language changes and renumbering of Regulation Number 3. The incorporation by reference in (i)(A) and (i)(B) reflects the renumbered sections and language changes as of the October 25, 2005 submittal.

(i) Incorporation by reference.

(A) 5 CCR 1001-5, Regulation 3, *Stationary Source Permitting and Air Contaminant Emission Notice Requirements*, Part A, *Concerning General Provisions Applicable to Reporting and Permitting*, adopted April 16, 2004 and effective June 30, 2004:

Section I, *Applicability*, Sections I.B, *Definitions*; I.B.7, *Allowable Emissions*; I.B.13, *Continuous Emissions Monitoring System (CEMS)*; I.B.14, *Continuous Emissions Rate Monitoring Systems (CERMS)*; I.B.15, *Continuous Parameter Monitoring System (CPMS)*; I.B.33, *Pollution Prevention*; I.B.35, *Potential to Emit*; I.B.36, *Predictive Emissions Monitoring System (PEMS)*; adopted April 16, 2004 and effective June 30, 2004.

(B) 5 CCR 1001-5, Regulation 3, *Stationary Source Permitting and Air Contaminant Emission Notice Requirements*, Part D, *Concerning Major Stationary Source New Source Review and Prevention of Significant Deterioration*, adopted April 16, 2004 and effective June 30, 2004:

(1) Section I, *Applicability*,

(i) I.A., *General Applicability*; I.A.2; I.A.3;

(ii) I.B, *Applicability Tests*; I.B.1; I.B.2; I.B.4 (except the final sentence beginning, "For example"); I.B.5;

(iii) I.C;

(2) Section II, *Definitions*,

(i) II.A;

(ii) II.A; II.A.1, *Actual Emissions*; II.A.1.a (only the language that appears as plain or italicized text); II.A.1.c (only the language that appears as plain text); II.A.1.d;

(iii) II.A.2, *Actuals PAL*;

(iv) II.A.4, *Baseline Actual Emissions*;

(v) II.A.7, *Begin Actual Construction*;

(vi) II.A.9, *Clean Coal Technology*;

(vii) II.A.10, *Clean Coal Technology Demonstration Project*;

(viii) II.A.13, *Construction*;

(ix) II.A.14, *Emissions Unit*;

(x) II.A.15, *Electric Utility Steam Generating Unit*;

(xi) II.A.17, *High Terrain*;

(xii) II.A.18, *Hydrocarbon Combustion Flare*;

(xiii) II.A.20, *Low Terrain*;

(xiv) II.A.21, *Lowest Achievable Emission Rate (LAER)*; II.A.21.b (only the language that appears as plain or italicized text);

(xv) II.A.22, *Major Emissions Unit*;

(xvi) II.A.23, *Major Modification* (only the language that appears as plain and italicized text); II.A.23.d.(iii); II.A.23.d.(x); II.A.23.d.(xi); II.A.23.e;

(xvii) II.A.25, *Major Stationary Source*; II.A.25.b (only the language that appears as plain or italicized text);

(xviii) II.A.27, *Net Emissions Increase*; II.A.27.a.(i) (only the language that appears as plain or italicized text); II.A.27.a.(ii); II.A.27.b; II.A.27.g.(iii) (only the language that appears as plain or italicized text); II.A.27.i;

(xix) II.A.28, *Nonattainment Major New Source Review (NSR) Program*;

(xx) II.A.29, *PAL Effective Date*;

(xxi) II.A.30, *PAL Effective Period*;

(xxii) II.A.31, *PAL Major Modification*;

(xxiii) II.A.32, *PAL Permit*;

(xxiv) II.A.33, *PAL Pollutant*;

(xxv) II.A.34, *Plantwide Applicability Limitation (PAL)*;

(xxvi) II.A.36, *Prevention of Significant Deterioration (PSD) Permit*;

(xxvii) II.A.37, *Project*;

(xxviii) II.A.38, *Projected Actual Emissions*;

(xxix) II.A.39, *Reactivation of Very Clean Coal-fired Electric Utility Steam Generating Unit*;

(xxx) II.A.41, *Replacement Unit*;

(xxxi) II.A.42, *Repowering*;

(xxxii) II.A.43, *Secondary Emissions*;

(xxxiii) II.A.46, *Significant Emissions Unit*;

(xxxiv) II.A.47, *Small Emissions Unit*;

(xxxv) II.A.48, *Temporary Clean Coal Technology Demonstration Project*;

(3) Section V, *Requirements Applicable to Nonattainment Areas*, V.A.7.c (except for the phrases, "a Clean Unit or at", "a reasonable possibility that", and "may result in a significant emissions increase"); V.A.7.d;

(4) Section VI, *Requirements applicable to attainment and unclassifiable areas and pollutants implemented under section 110 of the Federal Act (Prevention of Significant Deterioration Program)*, Sections

VI.A.1.c (only the language that appears as plain or italicized text); VI.B.5 (except for the phrases, “a Clean Unit or at”, “a reasonable possibility that”, and “may result in a significant emissions increase”); VI.B.6;

(5) Section XVII, *Actuals PALs*; adopted April 16, 2004 and effective June 30, 2004.

(123) Colorado adopted revisions to its procedural rules on January 16, 1998 and submitted part of the revised procedural rules to EPA on November 5, 1999. Colorado’s procedural rules govern all procedures and hearings before the Air Quality Control Commission (Commission) and certain procedures and hearings before the Air Pollution Control Division within the Colorado Department of Public Health and Environment. The revision to the Commission’s procedural rules was intended to bring the Commission current with all applicable procedural requirements for their official actions. The submitted portion of the revision consisted of changes to Section 1.11.0 of the procedural rules. The section addresses requirements under section 128 of the CAA regarding the composition of the Commission and disclosure by its members of potential conflicts of interest.

(i) Incorporation by reference.

(A) Department of Public Health and Environment, Air Quality Control Commission, Procedural Rules, 5 CCR 1001–1, Section 1.11.0, *State Implementation Plan*, adopted on January 16, 1998 and effective on March 30, 1998.

(ii) [Reserved]

(124) On May 25, 2011 the State of Colorado submitted revisions to its State Implementation Plan to address the requirements of EPA’s regional haze rule.

(i) Incorporation by reference.

(A) Colorado Air Quality Control Commission, Regulation Number 3, 5 CCR 1001–5, *Stationary Source Permitting and Air Pollutant Emission Notice Requirements*, Part F, *Regional Haze Limits—Best Available Retrofit Technology (BART) and Reasonable Progress (RP)*, Section VI, *Regional Haze Determinations*, and Section VII, *Monitoring, Recordkeeping, and Reporting for Regional Haze Limits*; adopted January 7, 2011; effective February 14, 2011.

(B) Colorado Air Quality Control Commission, Regulation Number 7, 5 CCR 1001–9, *Control of Ozone via Ozone Precursors (Emissions of Volatile Organic Compounds and Nitrogen Oxides)*, Section XVII, *(State Only, except Section XVII.E.3.a. which was submitted as part of the Regional Haze SIP) Statewide Controls for Oil and Gas Operations and Natural Gas-Fired Reciprocating Internal Combustion Engines*, subsection E.3.a., *(Regional Haze SIP) Rich Burn Reciprocating Internal Combustion Engines*; adopted January 7, 2011; effective February 14, 2011.

(125) On August 21, 2006, the State of Colorado submitted revisions to 5 CCR 1001–5, Regulation Number 3, *Air Pollution Emission Notice and Permitting Requirements*. The August 21, 2006, submittal included renumbering and deletions of Regulation Number 3. The incorporation by reference in paragraphs (c)(125)(i)(A) and (B) of this section reflect the renumbered sections, deletions and reference changes as of the August 21, 2006, submittal.

(i) Incorporation by reference

(A) 5 CCR 1001–5, Regulation Number 3, *Stationary Source Permitting and Air Contaminant Emission Notice Requirements*, Part C, *Concerning Operating Permits*, Section I, *Applicability*, I.A., *Definitions*; I.A.7.j., adopted December 15, 2005 and effective March 2, 2006.

(B) 5 CCR 1001–5, Regulation Number 3, *Stationary Source Permitting and Air Contaminant Emission Notice Requirements*, Part D, *Concerning Major Stationary Source New Source Review and Prevention of Significant Deterioration*, adopted December 15, 2005 and effective March 2, 2006:

(1) Section I, *Applicability*, I.A., *General Applicability*; I.A.2., I.B., *Applicability Tests*; I.B.3., I.B.4.

(2) Section II, *Definitions*; II.A.; II.A.1., *Actual Emissions*; II.A.1.d.; II.A.11., *Complete*; II.A.12., *Construction*; II.A.13., *Emissions Unit*; II.A.14., *Electric Utility Steam Generating Unit*; II.A.15., *Federal Land Manager (FLM)*; II.A.16., *High Terrain*; II.A.17., *Hydrocarbon combustion flare*; II.A.18., *Innovative Control Technology*; II.A.19., *Low Terrain*; II.A.20., *Lowest Achievable Emission Rates (LAER)* (excluding underlined text); II.A.21., *Major Emissions Unit*; II.A.22., *Major Modification* (excluding

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II.A.22.a. and underlined text); II.A.23., *Major Source Baseline Date*; II.A.24., *Major Stationary Source* (excluding II.A.24.d. and underlined text); II.A.25., *Minor Source Baseline Date*; II.A.26., *Net Emissions Increase* (excluding underlined text); II.A.27., *Nonattainment Major New Source Review (NSR) Program*; II.A.28., *PAL Effective Date*; II.A.29., *PAL Effective Period*; II.A.30., *PAL Major Modification*; II.A.31., *PAL Permit*; II.A.32., *PAL Pollutant*; II.A.33., *Plantwide Applicability Limitation (PAL)*; II.A.34., *Prevention of Significant Deterioration (PSD) Permit*; II.A.35., *Project*; II.A.36., *Projected Actual Emissions*; II.A.37., *Reactivation of Very Clean Coal-fired Electric Utility Steam Generating Unit*; II.A.38., *Regulated NSR Pollutant* (excluding II.A.38.c.); II.A.39., *Replacement Unit*; II.A.40., *Repowering* (excluding underlined text); II.A.41., *Secondary Emissions*; II.A.42., *Significant* (excluding II.A.42.a.) ; II.A.43., *Significant Emis-*

sions Increase; II.A.44., *Significant Emissions Unit*; II.A.45., *Small Emissions Unit*; II.A.46., *Temporary Clean Coal Technology Demonstration Project*; XV., *Actual PALs*.

(ii) Additional material.

(A) Notice of Final Adoption, dated 12/15/2005, signed by Douglas A. Lempke, Administrator, for revisions made to Regulation Number 3, *Air Pollution Emission Notice and Permitting Requirements*.

[37 FR 10855, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.320, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

EFFECTIVE DATE NOTE: At 75 FR 25775, May 10, 2010, § 52.320 was amended by revising paragraph (c)(114), effective July 9, 2010; however the amendment could not be incorporated because that paragraph does not exist.

§ 52.321 Classification of regions.

The revised Denver Emergency Episode Plan, adopted by the State of Colorado February 28, 1996, was submitted by the Governor of Colorado with a September 16, 1997 letter.

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Ozone
Pawnee Intrastate	I	III	III	III	III
Metropolitan Denver Intrastate	I	III	III	I	I
Comanche Intrastate	III	III	III	III	III
San Isabel Intrastate	I	III	III	III	III
San Luis Intrastate	III	III	III	III	III
Four Corners Interstate	IA	IA	III	III	III
Grand Mesa Intrastate	III	III	III	III	III
Yampa Intrastate	III	III	III	III	III

[37 FR 10855, May 31, 1972, as amended at 39 FR 16346, May 8, 1974; 44 FR 57409, Oct. 5, 1979; 74 FR 47891, Sept. 18, 2009]

§ 52.322 Extensions.

The Administrator, by authority delegated under section 188(d) of the Clean Air Act, as amended in 1990, extends for one year (until December 31, 1995) the attainment date for the Denver, Colorado, PM-10 nonattainment area.

[60 FR 52315, Oct. 6, 1995]

§ 52.323 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Colorado's plan for the attainment and maintenance of the national standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds that the plan satisfies all requirements of Part D, Title 1, of the Clean Air Act as amended in 1977, except as noted below.